

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.13638 of 2017 (O&M)

Date of Decision: 27.11.2017

Gurinder Pal Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. S.S. Goraya, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner assails the order dated 19.10.2015 (Annexure P-3) passed by the Director, Education Board, State of Punjab, whereby his claim for appointment as SLA on compassionate basis has been rejected. Further challenge is to the order dated 22.12.2015 passed by the Principal Secretary, Senior Secondary Education, State of Punjab (placed on record as an accompanying document with Memo dated 24.01.2017 Annexure P-6) and in terms of which a request to reconsider the rejection of the claim of the petitioner has not been accepted.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no basis is made out that would warrant interference in the matter.

Father of the petitioner, namely, Sukhdev Singh, who was working as a Math Master under the Punjab State Education Department died on 02.01.2010 in harness. Counsel concedes that the petitioner was major at that point of time since his date of birth was 02.09.1984. However, application seeking appointment on priority basis was made not on behalf of

the petitioner but by his younger brother, namely, Sukhwinderpal Singh. Subsequently, there was a change of mind and in the year 2015, the present petitioner submitted an application for appointment on priority basis.

Perusal of the impugned order at Annexure P-3 discloses the basis for not having entertained the claim of the petitioner. It has been recited in the order that mother of the petitioner was working as Multipurpose Supervisor under the Department of Health, State of Punjab on the date of demise of her husband i.e. on 02.01.2010. She subsequently superannuated on 31.03.2010 and was released all the admissible retiral benefits and is drawing pension thereafter. Such factual premise is not disputed by counsel representing the petitioner.

It is by now well settled that compassionate appointment is not a right. It is not even a mode of recruitment. The Hon'ble Supreme Court in the case of **Umesh Kumar Nagpal Vs. State of Haryana, 1994 (4) SCC 138** had categorically held that the objective of compassionate appointment is to enable the family of the deceased employee who has died in harness to tide over the sudden financial crisis. It was further observed that the objective of compassionate appointment is not to provide employment.

Applying the dictum laid down by the Apex Court in **Umesh Kumar Nagpal's case (supra)**, since mother of the petitioner was concededly serving as government employee on the date of death of father of the petitioner and as such the family was not in a state of financial distress, no infirmity is found in the decision of the competent authority in having declined the claim of the petitioner seeking compassionate appointment.

There is yet another factor that has weighed with this Court in

declining to interfere. Father of the petitioner unfortunately expired in the year 2010. By its very objective, a claim for compassionate appointment has to be raised and considered in close proximity to the date of death. It is the pleaded case of the petitioner himself that he had submitted an application seeking compassionate appointment in the year 2015 as opposed to the demise of his father in the year 2010.

For the reasons recorded above, no basis for interference is made out.

Petition is dismissed.

27.11.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

(i) Whether speaking/reasoned?	Yes
(ii) Whether Reportable?	No