

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CWP No. 18194 of 2016 (O&M)
Date of decision: 20.2.2017

Vivek Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

1. The petitioner herein has filed the instant petition seeking promotion from class IV post to class III post on compassionate basis on the basis of his educational qualifications.

2. The father of the petitioner died while in harness on 28.03.2011, leaving behind his widow, daughter and son, the petitioner herein. The petitioner was appointed on the post of Sewadar at Government Senior Secondary School, Mithapur by appointment letter issued on the 26.9.2011. The petitioner joined thereafter. At the time of joining, he was 17 years of age and a student of 10+2. Thereafter, he completed his 12th and also B.A Part I examination. On attaining higher education, the petitioner approached the respondents for appointing him against a class III post but to no avail. Aggrieved the instant writ petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner having acquired a higher qualification would be entitled to be considered for

appointment on compassionate ground against a class III post instead of on the post of Sewadar which is a class IV post.

4. Compassionate appointment is given to members of the deceased government employees who die in harness. The object of offering compassionate appointment to a member of the deceased’s family is to tide over the extreme financial crisis that family members would face on the death of an earning member, and can not be claimed as a matter of right. A person offered a job on compassionate grounds by the government has no right to be appointed to a post of his choice on account of holding the minimum qualification. The law is well settled in this regard. Therefore, the petitioner having been appointed as a Sewadar on compassionate appointment will not be entitled to seek a higher post on account of having a higher qualification.

5. The writ petition is dismissed being devoid of any merit.

20.2.2017
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No