

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

**CWP No. 18893 of 2016  
Date of Decision: 13.01.2017**

**Harminder Singh**

**...Petitioner**

**Versus**

**State of Punjab & Others**

**...Respondents**

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. T. S. Manes, Advocate  
for the petitioner.

**JAISHREE THAKUR, J.**

The instant writ petition has been preferred under Article 226 of the Constitution seeking appointment on compassionate ground.

It is contended that the paternal uncle of the petitioner was a Constable in Punjab Home Guards Department who died while on duty on 23.10.1990. The paternal uncle late Sh. Gurmukh Singh had no legal heir other than the two elder brothers. The petitioner herein is the son of one of the brothers of late Sh. Gurmukh Singh. It is contended that the petitioner and his family are very poor and the petitioner, being eligible for getting a job in Punjab Armed Police Department, seeks appointment on compassionate ground on account of the death of late Sh. Gurmukh Singh. In this regard, a claim was made in the year 2014 seeking appointment, however, as the claim of the petitioner was not decided, a legal notice was again sent on 21.07.2016. Counsel for the petitioner contends that since late Sh. Gurmukh Singh did not have any legal heir, the petitioner, being his nephew, would be entitled to seek appointment on compassionate ground.

I have heard counsel for the petitioner and I am not convinced

with the arguments raised. A scheme for compassionate appointment came into effect with the object to grant appointment to a dependent family member of a Government servant dying in harness. This claim was as such made applicable to a dependent family member and the term 'dependent family member' has been defined to mean spouse, son (including adopted son), daughter (including adopted daughter), brother or sister in the case of unmarried Government servant. Hence, as per the meaning of the term 'dependent family member', spouse, son, daughter, brother or sister of an unmarried Government servant is to be considered for appointment on compassionate ground in case the Government servant dies in harness.

In the instant case, the petitioner is the nephew of the deceased Government servant Sh. Gurmukh Singh. It is the father of the petitioner who could have sought compassionate appointment in case he had been able to prove that he was dependent on the said Government servant, which is not so in the instant case. The petitioner herein would be a dependent of his own father which in turn would not entitle him to be called a dependent of late Sh. Gurmukh Singh. Moreover, it is to be noted that late Sh. Gurmukh Singh died in the year 1999 and the representation was preferred seeking appointment in the year 2014. The said representation would also be clearly barred by the law of limitation having been filed after a period of almost 24 years.

Therefore, this Court does not find any merit in the present petition and the same is dismissed accordingly.

**January 13, 2017**

**Ansari**

**(JAISHREE THAKUR)**  
**JUDGE**

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*