

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

Date of decision:17.04.2017.

Pawandeep Singh

.....Petitioner

v.

State of Punjab and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.GS Gopera,Advocate for the petitioner

Mr.Vaibhav Sharma,DAG Punjab

Jaswant Singh,J,(Oral).

Karnail Singh,father of the petitioner who was working as Revenue Patwari died in harness on 25.5.1992. On 18.10.1995 his wife was offered the post of Peon on compassionate grounds but she did not join the said post. Petitioner was minor at the time of death of his father. More than 22 years after the death of his father, now petitioner has filed the instant writ petition seeking quashing of letters dated 4.9.2014 and 21.11.2014 (P-5 and P-6) whereby his claim for compassionate appointment has been rejected. A writ of mandamus is also sought to direct respondents to give compassionate appointment to the petitioner.

Upon notice, reply has been filed.

In the reply, it is categoric stand of respondents that in view

of the decision of Hon'ble Supreme Court of India in **Umesh Kumar Nagpal v State of Haryana and others(1994)4 SCC (138)** the State of Punjab framed detailed policy for compassionate appointment and the same was circulated vide letter dated 21.11.2002(P-7). As per the the said policy(P-7) petitioner was not found eligible for compassionate appointment and informed accordingly.

At the time of arguments, learned counsel for the petitioner has referred to judgment dated 25.1.2013 (P-8) rendered by a single Bench of this Court in CWP 3063/2011 **Hira Singh v State of Punjab and others** to contend that the policy (P-7) was considered in the said judgment and thereafter the petitioner therein, who too was minor at the time of death of his deceased father, was held entitled for compassionate appointment.

After hearing the learned counsel for the parties and going through the policy(P-7) and judgment dated 25.1.2013 (P-8) rendered by this Court, I find that the case of the petitioner is not covered by judgment at Annexure P-8 as facts of the said case are totally distinguishable from the facts of the case in hand.

In CWP 3063/2011 mother of the petitioner therein was second wife of deceased employee and as such his case was rejected on the ground that he was born out of second marriage of the deceased employee, which was not permissible as per policy instructions on the subject. Thus, the facts of the present case are entirely different.

It is not disputed that after the death of father of the

petitioner herein on 25.5.1992, his mother was offered compassionate appointment on 18.10.1995, but she did not join the said post. Petitioner was minor at that time and could not be appointed. For the first time it was in 2012 that application was moved for giving compassionate appointment to the petitioner, which request, in my considered opinion has been rightly rejected.

Right to compassionate appointment is not a right of inheritance that the same has to be kept alive forever, rather, it is settled principle of law that the purpose of compassionate appointment is to help the family in penury to tide over the financial difficulty. No doubt the exercise of right is governed under the relevant instructions,however cannot be invoked after 22 years.

For the reasons stated above,finding no merit in this writ petition the same is hereby dismissed.

17.04.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No