

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP No.17123 of 2017(O&M)  
Date of Decision: 03.08.2017

Arshdeep Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. R.K. Bansal, Advocate for the petitioner.

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**TEJINDER SINGH DHINDSA.J**

Pleadings on record would indicate that father of the petitioner had served on the post of Head Master under the Punjab State Education Department and after having attained the age of superannuation, had been granted extension in service for a period of one year w.e.f. February, 2015. During the period of extension, father of the petitioner unfortunately expired on 17.9.2015.

Claim in the present petition is for consideration of the petitioner for appointment on compassionate basis.

Counsel would submit that as per scheme of compassionate appointment under policy dated 21.11.2002 (Annexure P-1) and as amended from time to time ***“Service includes extension in service after attaining the normal age of retirement”***. A reference has also been made to memo dated 27.12.2016 (Annexure P-2), wherein a decision had been taken of govt. appointments to dependents of such officials of the State Govt., who were granted extension in service from 58 to 60 years (Group A, Group B & Group C) and 60 to 62 years (Group D) on compassionate basis and who expired during the period of extension. Furthermore, it has been clarified

that the memo dated 27.12.2016 (Annexure P-2) would have retrospective operation and would be implemented w.e.f. 8.10.2012.

Counsel contends that under the policy governing compassionate appointment as also vide clarification dated 27.12.2016 (Annexure P-2) the petitioner is vested with a right for his claim to be considered for compassionate appointment as his father had died in harness, even though, during the period of extension. Further submitted that till date no final decision has been taken inspite of a legal notice dated 1.4.2017 (Annexure P-5) having already been served.

At this stage, counsel for the petitioner would very fairly apprise the Court that the petitioner is married and his wife is a govt. employee inasmuch as she is serving on the post of Senior Laboratory Attendant under the Education Department, State of Punjab itself.

In the light of the facts and circumstances noticed herein above and without expressing any opinion on the merits of the claim of the petitioner, I deem it appropriate to dispose of the present petition with a direction to respondents no.2 and 3 to examine the claim of the petitioner and to take a final decision on the legal notice dated 1.4.2017 (Annexure P-5) against the relevant policies/circulars governing compassionate appointment expeditiously and in any case within a period of three months from the date of receipt of a certified copy of this order.

Suffice it to observe that while taking a final decision as regards the claim of the petitioner for compassionate appointment the factual aspect as regards wife of the petitioner being a govt. employee under the State of Punjab itself would also be kept in mind.

Disposed of.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**03.08.2017**

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Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No