

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.24823 of 2015 (O&M)

Date of Decision: 01.08.2017

Gurkirat Singh

--Petitioner

Versus

State of Punjab and others

--Respondents

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

Present:- Mr. S.K. Bawa, Advocate for the petitioner.

Mr. T.P.S. Chawla, D.A.G., Punjab.

Mr. Krishan Sehajpal, Advocate for respondent no.4.

TEJINDER SINGH DHINDSA.J

The instant petition is directed against the order dated 23.6.2014 (Annexure P-8) and in terms of which the claim of the petitioner seeking appointment on compassionate basis was declined.

Briefly noticed, father of the petitioner, who was serving as Constable with the Punjab Police, died in harness on 26.8.2002. Petitioner at that point of time was a minor, his date of birth being 29.1.1996. Apparently, upon having attained the age of majority an application was submitted seeking appointment on compassionate basis and which has led to the passing of the impugned order dated 23.6.2014.

Upon notice of motion having been issued, a joint reply of the Additional Deputy Commissioner of Police, Headquarters and Security, Jalandhar on behalf of respondents no.1 to 3 has been filed and placed on record.

Perusal of the reply would reveal that the claim of the petitioner for compassionate appointment was rejected primarily on the ground that

his mother (respondent no.4) had submitted an application stating that her son Gurkirat Singh (petitioner) be not appointed on account of demise of her husband as the son is out of her control. As per State, the claim of the petitioner could not be considered for compassionate appointment without consent of his mother.

Subsequent development as per averments made in the written statement would be relevant.

In the preliminary submissions, it has been conceded that after passing of the impugned order dated 23.6.2014 (Annexure P-8) an application had been received from the grandmother of the petitioner namely Gurmit Kaur seeking appointment on compassionate basis of her grandson (petitioner) and such application had been received from the office of S.S.P., Hoshiarpur. It is further stated that on account of the family dispute in the family of the petitioner, a detailed report was furnished to the office of D.G.P., Punjab vide office memo dated 30.8.2014. Thereafter, the D.G.P., Punjab vide letter dated 18.2.2015 called upon the Dependent Certificate of the petitioner to be furnished after obtaining the same from the office of Deputy Commissioner so that further action may be taken on the claim of the petitioner for appointment on compassionate basis.

In terms of such stand taken in the written statement, it clearly emerges that the claim of the petitioner for compassionate appointment is still under consideration.

Counsel for the petitioner makes a statement at the bar that the Dependent Certificate issued from the office of Deputy Commissioner, Hoshiarpur has since been furnished.

If that be so, it would be incumbent upon the official respondents to take a final decision on the claim of the petitioner seeking compassionate appointment.

Accordingly, the instant writ petition is disposed of with a direction to respondents no.2/3 to finalize the claim of the petitioner as regards compassionate appointment strictly in accordance with law and under the relevant policy/instructions formulated by the State Govt. itself on the subject of grant of 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 the order passed earlier in point of time i.e. 23.6.2014 (Annexure P-8) would not stand in the way of the petitioner while considering and adjudicating his claim for compassionate appointment in the light of the stand taken in the written statement that his claim is under reconsideration in view of an application having been submitted by his grandmother.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.08.2017

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