

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.21318 of 2017(O&M)
Date of Decision: 19.09.2017

Amandeep Singh

--Petitioner

Versus

State of Punjab and another

--Respondents

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

Present:- Mr. J.P.S. Sidhu, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The instant writ petition is directed against a communication dated 30.6.2017 (Annexure P-2) issued by the District Defence Services Welfare Officer, Mansa and addressed to Karamjeet Kaur widow of late Sh. Amrik Singh and in terms of which the claim of the present petitioner i.e. son of Karamjeet Kaur seeking appointment on compassionate basis, has been declined.

Counsel for the petitioner has been heard at length and the case paper book has been perused.

In the considered view of this Court there would be no basis to warrant interference in the matter.

It is the pleaded case of the petitioner himself that his father who was serving as Havildar with the defence forces, died in harness on 17.6.1997. Petitioner's date of birth is 30.10.1984. Petitioner attained the age of majority on 30.10.2002.

Placed on record and appended at Annexure P-3 is a policy circular dated 21.11.2002 issued by the Department of Personnel, Govt. of Punjab formulating a scheme for compassionate appointments. Under

clause 2 of the scheme grant of appointment on compassionate grounds was envisaged to certain categories including a dependent member of the family to defence services personnel killed in service while performing duties. Clause 13 of the policy regulates the procedure to be adopted while dealing with a claim for compassionate appointment and mandates that necessary information and processing of the cases of compassionate appointment should be done within a period of six months from the date of death or disability of the employee as the case may be and appointments must be made within a period of one year. Genuine belated requests for compassionate appointments can be entertained but only within a period of five years from the date of death or disability and with special approval of the Personnel Department and Finance Department. Subsequently, a letter dated 3.7.2008 (Annexure P-4) was issued by the Govt. of Punjab, Department of Personnel (Personnel Policies-II Branch) which sought to amend the basic policy dated 21.11.2002 and a proviso was added to clause/para 13-A of the policy dated 21.11.2002 contemplating that where a deceased Govt. employee leaves behind minor children, who are studying at the time of death and are not qualified for employment under the Govt. and the spouse is not in a position to join the Govt. job, a dependent child may be allowed to apply for compassionate appointment by the competent authority within a period of one year from the date of attaining the age of majority and possession of educational qualifications for a Group C or D appointment.

In the facts of the present case petitioner attained the age of majority on 30.10.2002. Concededly the application submitted first in point of time was submitted by Karamjeet Kaur i.e. mother of the petitioner

seeking appointment on compassionate basis in his favour on 3.1.2017 (Annexure P-1). In other words, such application was moved after a period of almost 15 years from the date when the petitioner attained the age of majority.

It is a highly belated claim for compassionate appointment that had been set up. The entire objective of grant of compassionate appointment is to provide financial assistance to the family upon the sudden death of the breadwinner. It goes without saying that claims for compassionate appointments would be relevant in close proximity to the date of death. The decision contained in letter dated 3.7.2008 (Annexure P-4) was to provide a window to a minor dependent of the deceased employee so as to raise a claim as regards compassionate appointment within a period of one year from the date of attaining the date of majority. Petitioner has chosen to raise such claim 15 years after the age of majority.

Under such circumstances, no exception can be taken to the impugned communication dated 30.6.2017 (Annexure P-2) declining the claim of the petitioner on the grounds that the case/claim is more than five years old.

Petition *sans* merit and is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

19.09.2017
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No