

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

**CWP No.25236 of 2016
Date of Decision:25.10.2017**

Anu Gogia

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Navjot Singh, Advocate for the petitioner.

P.B. BAJANTHRI J. (Oral)

Petitioner has prayed for as follows:

“(i) Direction especially in the nature of mandamus directing the respondent No.2 to decide the case of the petitioner for the appointment on compassionate grounds as envisaged in the communication received by the petitioner's mother vide letter dated 26.12.1995.

(ii) Any other appropriate order or directions in favour of the petitioner, which this Court feels appropriate taking into consideration the unique facts of the case may kindly be issued.”

Petitioner's father while he was in service with second respondent-Bank died on 12.12.1993. Petitioner's mother submitted representation for appointment of petitioner as and when she attains majority. Respondent-Bank have assured that as and when petitioner attains majority, her case would be considered for compassionate appointment. Petitioner attains majority on 17.10.2007. Thereafter, on 19.10.2007, petitioner submitted representation. Her claim was rejected on 12.12.2014. Thereafter, legal notice was issued on 16.3.2016 and the same was replied on 11.5.2016 that on the ground of unexplained delay from 2007 to 2014, her case cannot be considered for compassionate appointment. Hence, the present petition.

Learned counsel for the petitioner submitted that respondent-

Bank have assured way back in the year 1994 to the extent that as and when petitioner attains the age of majority, her claim would be considered. Having given an assurance, respondent-Bank cannot decline to issue letter of appointment to the petitioner on compassionate ground as on 12.12.2014 whatever the scheme was existing for compassionate appointment i.e. required to be followed. Whereas the respondents are relying on compassionate scheme dated 5.8.2014. Thus, denial of compassionate appointment to the petitioner is arbitrary and illegal.

Heard learned counsel for the petitioner.

The object of giving compassionate appointment to a member of deceased employee is to meet immediate harness in the family. In the present case, petitioner's father died on 12.12.1993. Seeking compassionate appointment in the year 2007 and its consideration in the year 2007 may not be correct. Moreover when the petitioner's family members survived from 1993 to 2007, there is no difficulty in leading life. That apart, petitioner has failed to challenge the rejection of her claim for compassionate appointment dated 12.12.2014. In the absence of challenge to the rejection of petitioner's claim dated 12.12.2014, question of directing the respondents to reconsider the petitioner's name for compassionate appointment do not arise. Unexplained delay from 2007 to 2014 and even approaching this Court in the month of November 2017 are not forth-coming. Therefore, even on the ground of delay and laches on the part of the petitioner, petition is liable to be rejected.

Accordingly, petition stands dismissed.

25.10.2017

rajeev

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(P.B. Bajanthri)

Judge