

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-27088-2016 (O&M)

Date of Decision:-12.12.2017.

Subhash Chand

.....Petitioner

Versus

Punjab National Bank and others

.....Respondents

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

Present: Mr. G.S. Gopera, Advocate for the petitioner.

Mr. Saurav Verma, Advocate for
Mr. Akash Soni, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged letter dated 8.7.2016 (Annexure P-8) by which his claim for compassionate appointment has been rejected on the score that petitioner's family condition is not indigent.

Learned counsel for the petitioner submitted that for the purpose of consideration of petitioner's name to the post of Peon, one must have a qualification of 10+2. As on 8.7.2016, petitioner was not possessing 10+2 qualification. In this background, petitioner's claim has been declined. Learned counsel for the petitioner further submitted that under Para 11.2 of scheme provides for submission of application is 5 years. Since petitioner's father died on 27.7.2015 and his claim has been rejected on 8.7.2016 and

the fact that petitioner has passed 10+2 in October, 2016. Therefore, he is entitled for reconsideration of his name for compassionate appointment.

Per contra learned counsel for the respondents while resisting petitioner's claim vehemently argued that petitioner's claim is not rejected for want of qualification but on the basis of further examination of the condition of the family to the extent that it is not indigent. Therefore, petitioner has not made out a case even if 10+2 passing is taken into consideration. The other condition of indigent would come in the way. Thus, petitioner is not entitled for any relief.

Heard learned counsel for the parties.

Perusal of the claim of compassionate appointment in the respondents-Bank, it is evident from para 11.2 that person can seek compassionate appointment within 5 years from the date of death of deceased employee of the respondent-Bank. In the present case, petitioner submitted application for compassionate appointment in the year 2015 and it has been considered and rejected on 8.7.2016 only on the ground that condition of the family is not indigent, which is not supported by any material. In other words, communication dated 8.7.2016 is a non-speaking order to support the contention that the condition of the family is not indigent. Therefore, communication dated 8.7.2016 (Annexure P-8) is liable to be set aside. Accordingly, it is set aside. The respondents-Bank are hereby directed to consider petitioner's claim afresh pursuant to para 11.2 of the claim of compassionate appointment and other conditions stipulated in the claim for compassionate appointment vide Annexure P-10. Such consideration shall be completed within a period of 3 months from today.

to the petitioner at the earliest.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

December 12, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.