

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

CWP No. 5372 of 2014

Date of decision: 30.03.2017.

Balaur Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

Mr. Pankaj Mulwani, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

1. The instant writ petition has been filed seeking appointment on compassionate ground.

2. In brief, facts are that father of the petitioner, namely, Harnek Singh, was a victim of terrorists violence and died on 27.05.1991. The petitioner submitted his application for appointment on compassionate grounds on the basis of the policies issued by the State government as far back as 1991 (Annexure P-6). Since appointment was not offered, the petitioner approached the department concerned by serving a legal notice (Annexure P-7) dated 17.10.2013. The department replied to the legal notice by stating that the application filed by the petitioner could not be considered due to his being overage. Against the denial of appointment on compassionate grounds, as per the Government policies, the instant writ petition has been filed.

3. Mr. Sunny Singla, learned counsel appearing on behalf of the petitioner contends that the petitioner had approached the department

immediately after his father expired and he was not offered any appointment. It is argued that an onerous duty is cast upon the respondents to offer him a job immediately after his father's death and there has been gross violation of the policy as framed by the Government of Punjab, for providing a job to the members of the deceased family, who had died on account of terrorists violence.

4. Per contra, Mr. Pankaj Mulwani, learned DAG, Punjab contends that petitioner being overage could not have been offered any job and, moreover, his matter had been considered and rejected as far back as 2001.

5. I have heard learned counsel for the parties and have also perused the record of the case.

6. Admittedly, father of the petitioner died on account of terrorists violence in the year 1991. It is stated that he applied for appointment in the year 1992, which fact is denied by the respondents who allege that the petitioner moved an application only in the year 2000 seeking appointment on priority basis which was replied to on 16.02.2001, stating that he was overage. On an inquiry held by the Sub Divisional Magistrate, Talwandi Sabo, it was found out that the applicant is holding 49 Kanals 5 Marlas land and his annual income from all sources is Rupees one lac.

7. The instant petition has been filed after almost a delay of 13 years and is hit by the doctrine of delay and laches. The scheme for offering compassionate appointment was brought into effect to enable the dependent family members to tide over the sudden financial crises and hardship that a family has to undergo on account of the sudden demise of the bread earner

and not as a means of affording employment. In this regard, reliance can be placed on a judgment rendered by the Hon'ble Supreme Court in *Umesh Kumar Nagpal vs. State of Haryana and others (1994) 4 S.C.C. 138*, wherein the Hon'ble Supreme Court came to the conclusion that compassionate appointment could not be granted after a lapse of reasonable period. In the instant case, father of the petitioner died in the year 1991, on which date he was 29 years with land holding, so it could not be said that he was in dire financial constraints. Even otherwise, if the petitioner had really been unable to fend for himself or his family members, he would not have sat on the fence so long. If the first application had been moved in the year 1992 itself, though declined by the respondents, he would have approached the Courts much sooner. At present moment, the petitioner has attained the age of 55 years and, therefore, in any case, it would not be possible to offer job to him.

The writ petition being devoid of any merit is hereby dismissed.

30.03.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.