

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

CWP No. 3949 of 2016 (O&M)

Date of decision: January 19, 2017

Amarjit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab.

JAISHREE THAKUR, J.

1. The instant writ petition under Article 226/227 of the Constitution has been preferred seeking to challenge the impugned letter No. 42282 dated 7th September, 2015 issued by respondent No.2—District Education Officer, SBS, Nagar, vide which the case of the petitioner seeking compassionate appointment has been rejected.

2. Mr. Sarju Puri, learned counsel appearing on behalf of the petitioner herein contends that the petitioner's mother, who was in government service, died in harness on 20th March, 2011. Thereafter, her brother Gurjit Ram applied for compassionate appointment, but the said application was rejected on the ground that he was not dependent on his mother. The said rejection was passed on 28th November, 2014. The petitioner herein, who is unmarried handicapped girl, thereafter applied for

compassionate appointment in August, 2015. It is submitted that she was wholly dependent on her mother and as such would be entitled to be given compassionate appointment in place of her deceased mother Smt. Raj, who died in harness. It is also argued that the father of the petitioner who was in government service has since retired and is not keeping good health. The application so filed was rejected only on the ground that the department had already rejected the case of her brother Gurjit Ram for compassionate appointment and, therefore, such order is not sustainable. It is also argued that the case of the petitioner has to be decided on its own merit. If the brother Gurjit Ram was not found to be dependent on deceased Smt. Raj, such finding has yet to be recorded qua the petitioner who submitted her application seeking appointment being dependent on her mother late Smt. Raj.

3. A reply to the writ petition has been filed in which it is submitted that the petitioner is not entitled to seek compassionate appointment on the ground that one member of the family had already applied whose case came to be rejected.

4. I have heard learned counsel for the parties and after perusing the record with their assistance, find that there is no adequate or cogent reasons given while rejecting the application of the petitioner seeking compassionate appointment. It is not sufficient for the authorities concerned to pass an order only on the ground that the petitioner's brother's case for compassionate appointment already stand rejected. The case of the petitioner has to be considered on its on merit and if she is found to be

dependent upon the late government servant, then as per the policy appointment ought to be offered to her.

5. In view of the above, when there is no effective consideration of the case of the petitioner under the policy framed by the State for grant of employment in the State services in Class-III and Class IV on compassionate ground, the impugned order dated 7.9.2015 (Annexure P/7) is hereby set aside. It is directed that the application of the petitioner as filed be considered afresh and disposed of by passing a speaking order. In case it is found that the petitioner is entitled to such appointment, the needful be done within two months thereafter. Let fresh speaking order be passed within six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly.

January 19, 2017
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No