

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

**CWP No. 6413 of 2014**

**Date of decision: 02.05.2017**

Gurmit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Deepak Arora, Advocate,  
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

Mr. Vikas Singh, Advocate,  
for respondents No. 4 & 5.

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**JAISHREE THAKUR, J. (ORAL)**

The instant writ petition has been filed at the behest of Gurmit Kaur wife of late Sh. Harjit Singh seeking compassionate appointment on account of untimely death of her husband.

Late Sh. Harjit Singh, husband of the petitioner, was employed as Fitter under the Cooperative Sugar Mill Paniar, District Gurdaspur. He died on 23.04.2012 leaving behind the petitioner, his widow and three children. On account of death of her husband, the petitioner submitted an application with the authorities seeking grant of appointment on compassionate ground. Since the same was not granted to her, the petitioner filed the instant writ petition.

Learned counsel appearing on behalf of the petitioner contends that similarly situated persons have been granted compassionate appointment as per the instructions/policies circulated by the Government from time to time and while denying appointment to her, she has been discriminated.

Mr. Vikas Singh, learned counsel appearing on behalf of respondent No. 4 & 5 raised an objection to the very maintainability of the writ petition on the ground that the Cooperative Sugar Mill is not a “State” within the meaning of Article 12 of the Constitution of India. In this regard reliance has been placed upon a judgment rendered by this Court in ***RSA No. 3518 of 1986*** titled as ***Gurdaspur Cooperative Sugar Mills Limited vs. Gurdip Singh and another***, decided on 13.02.2012, wherein Single Bench of this Court while relying upon the ratio of law as laid down by the Apex Court in ***General Manager, Kishan Sahkari Chinni Mills Ltd., Sultanpur, U.P. Vs. Satrughan Nishad and others, (2003)8 SCC 639*** has held that a Sugar Mill is not an Agency or an instrumentality of the State and is not engaged in any activity involving any public function. Therefore, learned Single Bench held that the Gurdaspur Cooperative Sugar Mills Limited is not a “State”.

In view of the judicial pronouncement that Gurdaspur Cooperative Sugar Mills Limited is not a “State” within the meaning of Article 12 of the Constitution of India, the instant writ petition is not maintainable and no mandamus could be issued by this Court to the Sugar Mill for compassionate appointment, the writ petition is dismissed by giving liberty to the petitioner to avail any other alternative remedy available to her.

**02.05.2017**

Satyawan

**(JAISHREE THAKUR)  
JUDGE**Whether speaking/reasoned  
Whether reportableYes.  
No.