

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

124

CWP-26709-2017 (O&M)
Date of decision:24.11.2017

Manu Arya

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Akhilesh Vyas, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has challenged the communication dated 18.08.2015 (Annexure P-3) and further sought for direction to consider legal notice dated 27.10.2015.

2. Petitioner's father died on 16.11.2006 while he was in service with the respondent-Bank. Petitioner's sister submitted application for compassionate appointment on 20.04.2007. The same was not pursued with the respondent-Bank while insisting for compassionate appointment. It is learnt that petitioner has attained major in the year 2015. Consequently, petitioner's submitted application for compassionate appointment for himself instead of insisting for his sister. Respondent-Bank issued a communication on 18.08.2015 stating that petitioner is not entitled to compassionate appointment. With reference to eligibility dependents be considered up to 5 years from the date of death wherein employee died while performing official duty as a result of violence, terrorism, robbery or dacoity. Petitioner submitted that he fulfills the requisite conditions stipulated in the policy of compassionate appointment. Thus, the respondents have declined to issue order of appointment on

compassionate ground which is contrary to policy. Therefore, the impugned

communication dated 18.08.2015 is liable to be set aside and further directed to reconsider the petitioner's name for compassionate appointment.

3. Heard learned counsel for the petitioner.

4. Undisputed facts are that petitioner's father died on 16.11.2006. Consequent upon that petitioner's sister submitted application for compassionate appointment on 20.04.2007. Between 2007 to 2015 petitioner's sister did not pursue the matter with the respondent Bank. Thus, petitioner's family were not in a need of employment. The very object of giving compassionate appointment is to meet immediate harness in the family. In other words, petitioner's family survived between 2007 to 2015. Supreme Court in the case of *Umesh Kumar Nagpal Versus State of Haryana and others*, reported in (1994)4 SCC 138 held that for the purpose of consideration of compassionate appointment by the concerned authorities the same shall be considered within a reasonable period.

5. In view of these facts and circumstances and the fact that petitioner has approached the respondents only in the year 2015 with reference to the petitioner's father's death dated 16.11.2006 there is delay and laches on the part of the petitioner. Therefore, petitioner has not made out a case so as to interfere with the communication dated 18.08.2015.

6. Accordingly, CWP stands dismissed.

24.11.2017

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons: Yes/No

Whether Reportable: Yes/No