

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

**CWP No.8087 of 2014 (O&M)
Date of decision:08.08.2017**

Ranjit Singh

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. H.S. Dhindsa, Advocate for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner assails the order dated 08.01.2014 at Annexure P-6/T, whereby his claim for appointment on compassionate basis has been declined.

Having heard counsel for the parties at length and having perused the pleadings on record, this Court is of the considered view that no interference in the matter is called for.

Broad facts which are not in dispute are that father of the petitioner, who was serving as a Head Constable under the Punjab Police died in harness on 22.09.2008. Petitioner without any delay submitted an application seeking appointment to the post of Constable on compassionate grounds. Placed on record is a copy of the memo dated 24.08.2009 (Annexure P-2) on the subject of enlistment as

Constable under the priority list instructions. As per Annexure P-2, the date for suitability/eligibility test of the candidates including the petitioner for enlistment as Constable was fixed for 23.08.2009.

The conceded position of fact by learned counsel representing the petitioner during the course of hearing is that the petitioner was considered ineligible on account of the height factor as he was 2 inches short of the benchmark.

It also stands conceded that the rejection of the petitioner for appointment on the post of Constable on compassionate basis in pursuance to the first application submitted has never been challenged.

It so transpires that on 16.08.2013, a second application was submitted by mother of the petitioner seeking appointment as Constable. Such application was processed and it was noticed that there is a delay of five years in applying for the post and accordingly, the case was forwarded to the Chief Secretary, Home Affairs Department, State of Punjab for consideration of age relaxation. The second application dated 16.08.2013 has been dealt with in terms of passing the impugned order dated 08.01.2014 (Annexure P-6/T). It is against such brief factual backdrop that the instant petition has been instituted.

The claim of the petitioner for grant of compassionate appointment admittedly was to be considered in the light of Policy dated 21.11.2002 on the Scheme for Compassionate appointments-2002-Grant of Employment in the State Service on Compassionate Grounds-Policy Regarding. Clause 8 governs the issue of age

relaxation and reads as under:

“RELAXATIONS:

(a) Upper age limit could be relaxed wherever found to be necessary. In case of reserved categories of SC/BC, widows the age relaxation may be allowed as per policy instructions issued from time to time. The lower age limit should however in no case be relaxed below 18 years of age in case of group 'C' and below 16 years in case of group 'D'/ However, the Administrative Department may relax upper age limit by 5 years in deserving cases.”

Clause 13 regulates the procedure for submission of application form in the requisite proforma and clearly indicates that the claim for compassionate appointment has to be made without any delay and within 6 months from the date of death or disability of the employee as the case may be and the appointments in pursuance thereto have to be effected within a period of one year within department and two years in other department through the Re-employment Cell.

Counsel representing the petitioner concedes that the relaxation sought for in the present case is in excess of five years. The Policy dated 21.11.2002 (Annexure P-7) envisages a maximum relaxation of the upper age limit by five years and that too, in deserving cases.

The impugned order dated 08.01.2014 (Annexure P-6/T) deals with the second application submitted by the mother of the petitioner on 16.08.2013 as opposed to the date of death of the father of the petitioner that took place on 22.09.2008.

It is by now well settled that compassionate appointment is not a regular mode of recruitment. Rather, it is an exception to the same. The objective of grant of compassionate appointment is to mitigate the sudden financial hardship that has fallen on the family on account of demise of the bread winner in harness. What follows therefrom is, that a claim of compassionate appointment has to be in close proximity to the date of death.

No infirmity, as such, can be found in the impugned order dated 08.01.2014 (Annexure P-6/T) rejecting the claim of the petitioner for compassionate appointment in pursuance to an application having been submitted on 16.08.2013 as opposed to the date of death of the bread winner on 22.09.2008. The impugned order is also found to be in conformity with the terms and conditions contained in the Policy dated 21.11.2002 at Annexure P-7 governing the grant of compassionate appointment.

At this stage, the submission raised by Mr. H.S. Dhindsa, Advocate with regd to discrimination is being noticed only to be rejected. It was contended that a number of other candidates, who had also fallen short as regards height benchmark have been considered for grant of relaxation. Even if that be so, the claim of the petitioner on account of deficiency of height was rejected in pursuance to a suitability/eligibility test conducted on 23.08.2009 and in which the petitioner had duly participated. His claim had been rejected in pursuance to such suitability/eligibility test. Such rejection is not even

a subject matter of challenge in the instant petition.

For the reasons recorded above, the writ petition is found to be without merit and is dismissed.

08.08.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |