

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

**CWP-8539-2015**

**Date of decision: 24.01.2017**

Darshpreet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. Harinder Singh, Advocate,  
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

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**JAISHREE THAKUR, J.**

The instant petition has been filed seeking issuance of a writ in the nature of mandamus directing the respondents to appoint the petitioner as Inspector .

In brief, the facts are that the petitioner's father Gurnam Singh Dhillon joined the Police Force as Constable on 20.08.1959 who came to be promoted as Head Constable in the year 1963. He was subsequently promoted as Assistant Sub Inspector on 21.12.1966 and ultimately promoted as Superintendent of Police on 19.10.1992. The petitioner was appointed as Constable in the Punjab Police by an order dated 12.05.1994. Unfortunately the father of the petitioner died in harness on 10.05.1996, thereafter the petitioner submitted a representation to the authorities seeking compassionate appointment to the post of Inspector. The petitioner made several efforts to get appointed as Inspector, however, to no avail.

Eventually a writ petition came to be filed before this Court i.e. CWP No. 15140 of 1998 which was disposed of on 21.12.1998 with a direction to the respondents to consider the claim of the petitioner, however, no orders were passed thereon. Another writ petition came to be filed which was dismissed as withdrawn since the petitioner had filed RTI application with the department asking for information as to whether any orders were passed subsequent to the disposal of the writ petition in 1998 in which a direction was issued to decide the representation. The instant writ petition has been preferred with the grievance that the claim of the petitioner has not been considered correctly and certain persons had been appointed on the post of Inspector and the necessary relief be granted to him.

Reply has been filed to the writ petition.

Learned counsel for the respondents-State submits that the claim of the petitioner was duly considered and rejected on the ground that the petitioner was already in service at the time of death of his father and the petitioner was not dependent on his father at that time. It is contended that as per the Government instructions dated 21.11.2002 appointment on compassionate ground is to be granted to the dependent member of the deceased employee and the petitioner was already in service as Constable on date his father expired and it could not be said that he was dependent.

I have heard learned counsel for the parties and with their assistance have gone through the record.

There is no doubt about the fact that the petitioner was already in service in the year 1994 when his father expired. He was appointed as a Constable with the Punjab Police and was an independent earning member,

therefore, under no circumstance it could be held that the petitioner was dependent on his father. In instructions issued by the State of Punjab regarding appointment on compassionate ground, it is clear that the objective of the scheme is being limited to granting appointment to persons who are dependent member of the deceased. The application so filed after the death of his father seeking appointment to the post of Inspector on compassionate ground did not disclose that the petitioner was already in service. The contention of the petitioner that one Sh. Gurtej Inder Singh had been appointed, has been repelled by stating that Gurtej Inder Singh was not in service, the date his father expired.

A contention has also been raised by learned counsel for the petitioner that he should be given the benefit of Rule 12.14 under the Punjab Police Rules, 1934 by taking into account the good services rendered by his father. Rule 12.14 specifies that the recruit shall be of good character and great care shall be taken in selecting men of a type suitable for police service from those candidates presenting themselves for enrollment; and sons and near relatives of persons who have done good service in Punjab Police or in the Army shall, subject to the consideration imposed by Rule 12.12, supervision for recruitment, have preference over the candidates for police employment. Rule 12.14 is not applicable in the instant case in so far as there is no provision for appointing or promoting the petitioner who was already appointed as a Constable to the post of Inspector.

Therefore, in view of the fact that the petitioner was already in service, no ground is made out to grant him appointment as an Inspector merely on the basis that his father died in harness.

In view of the above, the writ petition is dismissed.

24.01.2017

*Satyawan*

(JAISHREE THAKUR)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes.  
No.