

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

127

CWP No.29384 of 2017

Date of decision: 21.12.2017

Amarnath

....Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.A.K.Walia, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

The petitioner's claim for appointment on compassionate grounds on a higher post has been rejected on the ground by replying to the legal notice on 28.07.2017 (Annexure P-8) that the appointment was rightly offered as per instructions dated 08.05.1995.

It is not disputed that the Government servant, namely, late Shri Gopi Ram, the father of the petitioner had died on 15.06.2001 while working as Driver. The petitioner had rightly been offered appointment to the post of Beldar on 28.12.2001 (Annexure P-2) and had joined as such. After 13 years, he filed a representation dated 21.05.2014 (Annexure P-6) that he was entitled to be offered appointment for the post of Clerk and, therefore, gave one instance of one Anita Devi who had been appointed in January, 2001 and had approached the Court and she had been given appointment of Clerk in January, 2014.

It is in such circumstances, this Court has now been approached. It is settled principle that compassionate appointment is not a regular source of recruitment. The Apex Court in '**Umesh Kumar Nagpal Vs. State of Haryana**' 1994 (4) SCC 138 which has been followed in '**Shreejith L. Vs. Deputy Director (Education) Kerala and Others**' (2012) 7 Supreme Court Cases 248 and in '**Union of India and others vs. Sima Banerjee**', 2017 (1) RSJ 351 has held so.

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-2-

The petitioner having accepted the appointment at that point of time, after more than a decade cannot now raise the issue that he was entitled for appointment on a higher post. The case of the petitioner is also covered on the principle of delay and laches and also on the above said principle that the appointment is only to get over the extreme exigency the family faces on the death of the Government servant and is in the form of a concession.

In such circumstances, the rejection of the claim of the petitioner is not liable to be interfered with. Accordingly, the present writ petition is dismissed in limine.

21.12.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*