

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

**CWP No. 3436 of 2017 (O&M)
Date of Decision: 22.02.2017**

Narinder Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

JASWANT SINGH, J. (ORAL)

Petitioner-Narinder Kaur is the widow of late Head Constable Harjit Singh, who died in harness on 11.04.2008. He was survived only by his widow-petitioner. The petitioner subsequently vide adoption deed on 08.08.2008 (**Annexure P-4**), adopted Kanwarbir Singh Bhinder, aged 13 years 4 months, as there was no one to take care of 51 years' old widow.

Soon thereafter the petitioner appears to have made an application seeking to invoke the right of the son- Kanwarbir Singh Bhinder for appointment as Constable on compassionate basis. In response, the Senior Superintendent of Police, Rupnagar vide letter dated 20.09.2008 (**Annexure P-5**) informed the widow-petitioner that her son would become eligible to apply when he clears his 10+2 exams. and attains the age of majority.

The grievance of the petitioner is that after her adopted son has acquired the qualification of 10+2 and attained the age of majority, his claim for compassionate appointment has been illegally rejected vide

Learned counsel for the petitioner has argued that on adoption of the minor-Kanwarbir Singh Bhinder by the widow-petitioner on 08.08.2008, although after the death of her husband, as per the judgment dated 20.07.2016 (**Annexure P-16**) has to be considered as a son of both the parents and, therefore, entitled to appointment on compassionate basis as Constable in terms of the policy dated 05.02.1996 (**Annexure P-15**).

After hearing learned counsel for the petitioner, no case for interference is made out.

No doubt Section 6 (i) of the policy (**P-15**) does make an adopted dependent son eligible for seeking appointment on compassionate grounds, however, keeping in view the spirit of the instructions, the adoption has to necessarily be during the life-time of the deceased-employee qua whose death the compassionate appointment is sought. It is only with such interpretation the true benefit of the policy be bestowed on the lawful claimants. To my mind, any adoption after the death of the employee by the surviving spouse cannot vest a right on the adopted child to seek consideration for compassionate appointment, as the rights of the legal heirs have to be determined in relation to the date of death of the employee, however, may be considered in the light of the policy existing at the time of consideration. The facts in the cited case at **P-6** are materially different and distinguishable. In the cited case at **P-6**, the claimant was adopted prior to the death of the employee and was also recorded, as the adopted son of the employee in the voluminous record produced before the Court. In the present case, in the documents produced as **Annexures P-6 to P-8**, the said

Kanwarbir Singh Bhinder has been shown to the son of his natural father i.e. Gurwinder Singh Bhinder instead of the deceased-HC Harjit Singh. Therefore, no sustenance can be derived from the judgment dated 20.07.2016 (**Annexure P-16**).

In view of above, present petition stands dismissed.

February 22, 2017

'dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No