

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

CWP No. 3596 of 2017 (O&M)
Date of decision: 22.2.2017

Raj Kumar Tiwari

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Manmeet Singh Rana, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

1. The petitioner herein is seeking appointment on compassionate ground on account of death of his father, who died in harness.
2. The petitioner's father was working in the Municipal Corporation, Jalandhar as a Fitter Mechanic and expired on 23.5.1989. The petitioner was aged 14 years at the time his father expired. On attaining the majority, the petitioner approached the respondents-Department for grant of appointment on compassionate ground by moving an application dated 5.9.2003. The respondents, vide letter dated 11.2.2014 sought succession certificate from the petitioner, as a dispute had arisen between the family of the petitioner and his step sister. Eventually, that certificate was furnished to the department and the petitioner requested for consideration of his claim. By the impugned letter dated 7.12.2016, the claim of the petitioner has been rejected on the ground that he has not approached the department for appointment on compassionate ground within one year of death of the

deceased government employee.

3. The petitioner was admittedly about 14 years of age as on 23.5.1989 having his date of birth as 15.12.1976. He would have attained majority in 1994. The first application seeking compassionate appointment was filed before the Municipal Corporation, Jalandhar on 5.9.2003 that is almost about 9 years after having attained the majority, whereas, as per the Government instructions, the application should have been submitted within one year from the death of the deceased government employee.

4. Compassionate appointment is given to members of the deceased government employees who die in harness. The object of offering compassionate appointment to a member of the deceased's family is to tide over the immediate financial crisis that family members would face on the death of an earning member and can not be claimed as a matter of right.

5. The writ petition suffers from delay and laches. Dismissed.

22.2.2017

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No