

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

CWP No.9917 of 2016 (O&M)

Date of Decision: August 16, 2017

Rajan Garg

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. P.S. Dhaliwal, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant writ petition is directed against the order dated 13.12.2011 (Annexure P-2), whereby, claim of the petitioner seeking appointment on compassionate basis, has been rejected. Further challenge is to the order dated 14.11.2014 (Annexure P-4) and in terms of which, an appeal having been preferred by the petitioner, has also been rejected by the Director, Education Department (Secondary), State of Punjab.

Facts, which are not in dispute, are that mother of the petitioner namely Smt. Shimla Goel, who was working as Lecturer of Economics, under the Department of Education, State of Punjab, died in harness on 17.05.2010. Petitioner, whose date of birth is 02.04.1987, submitted an application for being considered for appointment on compassionate basis. Claim of the petitioner stands rejected vide impugned memo dated 13.12.2011 (Annexure P-2), on

the ground that father of the petitioner is a Government employee and still in service. Appeal preferred by the petitioner stands rejected vide memo dated 14.11.2014 (Annexure P-4).

Counsel representing the petitioner does not dispute the fact that his father was in active Government service as on the date of the unfortunate demise of his mother i.e. on 17.05.2010. He however makes an attempt to impress upon this Court that the petitioner was actually dependent on his mother alone.

The instant case had come up for preliminary hearing before this Court on 11.08.2016 and counsel had sought time to place on record relevant documents to demonstrate that the petitioner was dependent upon his deceased mother and was residing separately from his father. The matter was accordingly adjourned to 15.09.2016. Numerous opportunities have thereafter been availed by counsel i.e. on 15.09.2016, 04.11.2016, 11.01.2017, 14.02.2017, 20.04.2017 and 05.07.2017 but till date, no material/document whatsoever, has been placed on record to substantiate the plea that the petitioner was residing separately and was dependent only on his mother.

Rather the application submitted by the petitioner, seeking consideration for appointment on compassionate basis at Annexure P-1, belies the stand being put forth. In Column V of the application, the name of the father (husband of the deceased) Sham Lal Garg, aged 57 years and stated to be employed, has been specifically mentioned. If it was the case of the petitioner that the father of the petitioner/husband of the deceased Shimla Goel, was

residing separately, it would have been so mentioned in the application at the very outset.

In the considered view of this Court, the present petition proceeds on a fallacious premise that compassionate appointment is a right. To the contrary, it is by now well settled that compassionate appointment is an exception to the normal mode of recruitment. The process of compassionate appointment is to mitigate the financial hardship that has fallen on the family on account of death of the bread earner in harness.

In the present case, petitioner admittedly was the only child of his parents. On the date of the demise of his mother i.e. 17.05.2010, his father was in active Government service.

The impugned order rejecting the claim of the petitioner for compassionate appointment, has been passed on valid and cogent basis.

No interference in the matter is called for.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

16.08.2017
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***Whether speaking/reasoned* : Yes/No**
***Whether reportable* : Yes/No**