

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.692 of 2017

Date of Decision: January 18, 2017

Paramveer

.....Petitioner

versus

Central Administrative Tribunal, Chandigarh Bench and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE GURMIT RAM.

Present: Mr.Rajesh Khandelwal, Advocate, for the petitioner.

Surya Kant, J. (Oral)

The petitioner challenges the order dated 06.12.2016 vide which the Central Administrative Tribunal, Chandigarh Bench has dismissed his Original Application, seeking a direction for appointment on compassionate ground under the Ex-gratia Policy.

The father of the petitioner was working as Postal Assistant when he unfortunately passed away on 03.09.2014 after rendering service of more than 30 years. The petitioner being the eldest son applied for appointment on compassionate ground under the Ex-gratia Policy. The department duly considered his claim viz-a-viz other applicants and on the basis of overall marks awarded to them, the petitioner could not make it to final short-listing.

The aggrieved petitioner approached the Tribunal but his Original Application has been dismissed observing that it has come on record that the petitioner/his family own immovable property due to which he was not entitled to awarding of 10 marks instead of 8 marks. On that basis, the petitioner could not make to the grade.

Learned counsel for the petitioner submits that younger brother of the petitioner unfortunately suffers from mental disability, hence the authorities ought to have considered this factor as a liability on the petitioner. The contention is wholly misconceived. The unfortunate ailment of the petitioner's brother is not a “liability” on him, it is rather his social and moral responsibility to which the petitioner should not be hesitant to perform. The only direction which can be issued in such like matters is to direct the authorities to consider the claim as per the Policy. That has been already done in the instant case. No further direction thus can be issued. However, if the petitioner is entitled to be re-considered in future as per the Policy, the instant order will not deny such consideration to him.

Ordered accordingly.

[SURYA KANT]
JUDGE

January 18, 2017
mohinder

[GURMIT RAM]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No