

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 08.02.2017

RSA No.750 of 2017 (O&M)

Ram Surti & another ...Appellants

Versus

State of Punjab & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Narinder S. Lucky, Advocate, for the appellants.

RAJIV NARAIN RAINA, J.(ORAL)

There is a delay of 36 days in filing the appeal without satisfactory explanation for the belated presentation. The only reason given in the application to condone the delay is contained in Para.3 of the affidavit, which reads as follows:

“3. That the applicant is an old aged person and is not well since long time and his son and wife has to look after him. The applicant was not in a position to file his regular second appeal within stipulated time.”

The explanation is insufficient reason to condone delay in the presence of two appellants each equally responsible to mark out time prescribed for filing an appeal.

Apart from the bar of limitation in filing the appeal, the appellants also have no claim on merits. Their claim in the civil suit was for declaration while seeking compassionate appointment to plaintiff No.2 in place of his father, plaintiff No.1, who was declared medically unfit at the age of 56 years while serving the department. There are concurrent findings

medical unfitness of the bread winner at the age of 56 years is not a valid ground to pass on the baton of government job to an able bodied son for the next three decades of public employment de hors mandates in Articles 14 and 16 of the Constitution and that too by a direction of the Court. Since compassionate appointments are not based on rules of succession or the law of inheritance, it would not be fair to confer on the dependent of a Government employee medically boarded out of service on pension, a huge benefit, whose father was, in any case, almost at the fag-end of his career with ample opportunity to settle his family during long service.

Consequently, I find that no merit or a substantial question of law involved in this appeal for interpretation and would dismiss the appeal. The judgment in appeal is upheld being sound in law and facts.

08.02.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned : *Yes*

Whether Reportable : *No*