

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 2495 of 1996 (O&M)

Date of Decision: 25.05.2018

Takdir Singh

--Petitioner

Versus

The State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- None for the petitioner.

Mr. Ayuwan Singh, A.A.G, Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Case paper book has been perused.

Father of the petitioner, who was serving as Panchayat Secretary under the Department of Development & Panchayats, State of Haryana, died in harness on 5.10.1969.

Instant petition has been filed raising a grievance that the petitioner has been offered appointment on compassionate basis on the post of Peon (Class-IV post), whereas he ought to have been appointed on the post of Panchayat Secretary (Class-III post).

Apparently, on the date of demise of his father, petitioner was a minor. He attained the age of majority in the year 1986 and staked a claim for being appointed on compassionate basis. The claim having been considered, appointment letter dated 17.1.1996 on the post of Peon was issued. It is the case of the petitioner himself as per averments made in para 5 of the writ petition that he declined the offer and did not join on the post of Peon.

Writ of Mandamus is sought in the instant petition for issuance of directions to the State Govt. to appoint the petitioner on the post of

Panchayat Secretary.

Having perused the pleadings on record and having heard learned State counsel, this Court is of the considered view that the present writ petition is without merit and deserves to be dismissed.

It is by now well settled that compassionate appointment is a concession and not a right. The objective of compassionate appointment is to mitigate the sudden financial hardship that has fallen on the family on account of demise of a govt. employee in harness. In the present case, father of the petitioner died in 1969. Undoubtedly petitioner was a minor at that stage. His claim for compassionate appointment, as such, fructified on the date he attained majority i.e. in the year 1986.

By its very nature a claim for compassionate appointment has to be considered in close proximity to the date of death of the govt. employee or on the date the dependent attains the age of majority.

The claim of the petitioner relates back to the year 1986. There is no statutory provision referred to in the writ petition which would vest with the petitioner a right to be appointed on compassionate basis on an equivalent post.

No infirmity is found in the action of the State Govt. in having offered to the petitioner the post of Peon.

There is no merit in the petition and the same is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

25.05.2018

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