

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

CWP-995-1996 (O&M)
Date of Decision: 18.05.2018
... Petitioner

Ashok Kumar

Versus

State of Haryana & others

... Respondents

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

Present:- None for the petitioner.

Mr. Ayuwan Singh, AAG, Haryana.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

It may be noticed that even on the last date of hearing i.e. on 11.05.2018, no representation was caused on behalf of the petitioner. Under such circumstances, this Court is proceeding to adjudicate upon the issue raised in the instant petition.

The present writ petition was filed in the year 1996 seeking quashing of order dated 19.12.1995 (Annexure P-7) issued by the Director, Secondary Education, Haryana and whereby claim of the petitioner seeking appointment on compassionate basis on the post of Lecturer was declined.

Briefly, it may be noticed that wife of the petitioner was serving as a Lecturer in English under the Haryana Education Department and died in harness on 05.12.1994.

Petitioner set up a claim to be appointed on the post of Lecturer on compassionate basis. Such claim has been dealt with in terms of impugned order dated 19.12.1995 (Annexure P-7), wherein while declining the claim for appointment to the post of Lecturer, it has been recited that

claim of the petitioner can be considered on a post which is one pay scale lower than that of a Lecturer.

In the written statement filed to the writ petition, a categorical stand has been taken that the claim of the petitioner for appointment to the post of Lecturer on compassionate basis having been declined, he was called upon to furnish his willingness for appointment to a post one pay scale lower than the one held by his deceased wife. Petitioner had not responded to the same. Stand taken on behalf of the State to such effect in the written statement has not met with any rebuttal by filing a rejoinder to the written statement.

In the considered view of this Court, no interference in the instant writ petition is warranted.

It is by now well settled that compassionate appointment is not a right but is a concession. The object of granting appointment on compassionate grounds is to mitigate sudden financial hardship that has fallen on the family on account of death of a government employee in harness. By its very nature, a claim for compassionate appointment has to be considered in close proximity of the date of demise of the government employee.

In the present case, wife of the petitioner, who was working on the post of Lecturer had expired on 05.12.1994. Petitioner insisted on being appointed on the post of Lecturer itself on compassionate grounds. While such claim was not accepted, he was called upon to furnish willingness to accept a post which was one pay scale lower than that of a Lecturer. Petitioner concededly did not respond to such offer.

Claim for compassionate appointment in the year 2018 in

relation to demise of the wife of the petitioner in the year 1994 would not survive.

Petition is dismissed.

18.05.2018

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |