

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.10165 of 2008 (O&M)
Date of Decision: 01.11.2018**

Naresh Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rajiv Sharma, Advocate,
and Ms. Rajni, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. The date of birth of the petitioner is August 16, 1974. This makes him about 44 years of age today. His father was retired on December 05, 1997 on medical grounds. The petitioner claimed compassionate appointment in view of his father's retirement on medical grounds. There have been earlier rounds of litigation in this case. By order dated March 07, 2018 the State has been asked to answer certain queries put to it and an affidavit has been filed by the General Manager, Haryana Roadways, Karnal which explains the cases of four persons named by the petitioner to claim parity of treatment but it has been stated that those cases involve death of breadwinners. Besides, only 5% vacancies in the cadre can be diverted for compassionate appointments in the parent department. Due to this limitation the petitioner's name being far down in the list his turn could not mature because of the lack of vacancies. It is now too late in the day to offer compassionate appointment to a person who is mostly beyond employable

age and entry into service.

2. In view of the law laid down in Union of India v. Sima Banerjee, 2017 (1) RSJ 351, the petition stands dismissed.

01.11.2018
manju

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned Yes

Whether reportable No