

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

C.W.P. No. 1410 of 2013 (O&M)

Date of Decision: 10.12.2018

Harjit Singh

.. Petitioner

vs.

Chief Engineer, UT Chandigarh and ors.

...Respondents

Coram: Hon'ble Mr. Justice Rajiv Sharma
 Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Mr. Vishal Aggarwal, Advocate
 for the petitioner.

Mr. Abhishek K. Premi, Advocate for
Mr. Amit Jhanji, Advocate
for respondent Nos.1 to 4.

-

Rajiv Sharma, J.(Oral)

The petitioner has sought judicial review of the order dated 07.03.2012 rendered by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal') in OA No. 790/CH/2011.

The brief facts necessary for the adjudication of the petition are that the petitioner's father was working as Mali in Horticulture Division No.2, Chandigarh Administration, Chandigarh. He died on 27.12.2007. He had put 21 years 02 months and 05 days of regular service. The petitioner has submitted an application on 19.03.2008 seeking appointment on compassionate basis. The application was received by the respondents on 11.05.2009. There were shortcomings in the application. The objections were raised by the respondents and the same were removed by the petitioner. The Committee met on 17.08.2009 for the first time. The Committee recommended 34 names including the name of the petitioner at Sr. No. 18. Thereafter, the name of the petitioner was included in the list at Sr. No.13. This list was prepared on 31.12.2009. Thereafter, his name was

considered and recommended by the Committee in its meeting held on 03.06.2010. The case of the petitioner was rejected merely on the ground that the period of three years was over as on 03.06.2010.

It is admitted fact that the vacancies were available with the department between 27.12.2007 to 03.06.2010. The case of the petitioner was required to be considered against the available vacancies before the meeting was convened on 03.06.2010.

The Tribunal has erred in law by rejecting the prayer of the petitioner merely on the ground that three years period was over from the date of death of bread earner. The provisions of granting compassionate appointment should be interpreted liberally. Learned Tribunal has misconstrued the instructions dated 05.05.2003. The case of the petitioner was alive between the period of three years w.e.f. 27.12.2007 to 03.06.2010.

Accordingly, the writ petition is allowed. The impugned order is set aside. The respondents are directed to consider the case of the petitioner for appointment on compassionate basis within a period of six weeks.

(Rajiv Sharma)
Judge

(Harinder Singh Sidhu)
Judge

10.12.2018
dinesh

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No