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

CWP No.14000 of 2014 (O&M)

Date of Decision: 17.05.2018

GURSHER SINGH AND ANOTHER

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Harchand Singh Batth, Advocate
for the petitioners.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab.

Mr. Hirdev Jeet Singh, Advocate for
Mr. Gagandeep Singh, Advocate
for respondent No.2.

JASWANT SINGH, J. (ORAL)

The father of the petitioner No.1 (Gursher Singh), while working as a Maths Teacher with the Secondary Education Department, Punjab, was killed in a terrorist action on 20.10.1990. Petitioner No.1 at that time, is stated to be 01 year's old. His case for compassionate appointment on attaining the age of majority has been dismissed vide impugned order dated 03.07.2012 (**Annexure P-17**).

Learned counsel for the petitioners has argued that the Government of Punjab has issued instructions dated 06.03.2006 (**Annexure P-18**), whereby the Council of Ministers had taken a

decision, *inter alia*, to order the continuous of the facility of compassionate employment to one of the dependent members of the persons killed in terrorist activities. Hence, the petitioner No.1 would be entitled to compassionate appointment unfettered by any other eligibility conditions.

On the other hand, learned State Counsel has argued that for the terrorist affected families like the petitioner(s), a provision already stood made for compassionate appointment vide a comprehensive Policy dated 21.11.2002 (**Annexure R-1**). The referred Policy dated 06.03.2006 (**P-18**) only acknowledges that the compassionate appointment to the dependent members shall continue, meaning thereby the Policy for compassionate appointment at least *qua* such terrorist affected families could not be withdrawn. Learned State Counsel also submits that the Policy dated 06.03.2006 (**P-18**) has not done away with the other conditions of eligibility for grant of compassionate appointment to the terrorist affected families as envisaged in the Policy dated 21.11.2002 (**R-1**). She further points out that in the light of the conceded position, that the mother of petitioner No.1 at the time of the death of his father was employed as a Multi Purpose Health Supervisor and apart from other ancestral property, it has been rightly held to be not entitled to appointment due to sound financial condition.

After hearing learned counsel for the parties, this Court is inclined to accept the plea raised on behalf of the respondents.

It has come on record that the petitioner No.1 was the only son and his mother at the time of death of his father was working as Multi

Purpose Health Supervisor in the Department of Health and Family Welfare, Punjab. This Court is in agreement with the findings recorded by the Department that the financial condition of the family was sound and, therefore, not entitled for compassionate appointment, which cannot be claimed as a matter of right.

In view of the above, no case for interference is made out in the present petition and the same is liable to be dismissed.

Dismissed.

May 17, 2018

'rajneesh'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No