

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

CWP No.16720 of 2015 (O&M)

Date of decision: 15.02.2018

Paramjit Kaur and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. R.K. Arora, Advocate for the petitioner(s).

Mr. Suvir Sheokand, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner(s) seek(s) issuance of a writ in the nature of certiorari for quashing the memo dated 13.08.2012 (Annexure P-23) received by petitioner No.2 on 25.05.2015 (Annexure P-22), whereby claim of petitioner No.2 for affording him employment on compassionate grounds has been declined.

On behalf of the petitioners, it is submitted that claim of petitioner No.2 for compassionate appointment as Sub Inspector has been wrongly rejected by the respondents ignoring the fact that husband of petitioner No.1 and father of petitioner No.2, an IPS Officer in the State of Odisha had died on duty due to attack on 23.10.2006 as the area infested by left wing extremists (Naxal problem). He further states that at the time of death of husband of petitioner No.1, the Government of Odisha as well as the Government of Punjab assured petitioner No.1 for

rehabilitation assistance and appointment of her son in PCS cadre on extreme compassionate grounds in lieu of the sacrifice made by the husband of petitioner No.1. Thereafter, petitioner No.1 represented to the authorities concerned by way of various representations, however, petitioner No.2 was not given appointment in PCS cadre. Even, Hon'ble Chief Minister of Odisha, vide its letter dated 29.08.2012 (Annexure P-17) wrote to Hon'ble Chief Minister of Punjab to look into the matter personally and grant suitable appointment on compassionate grounds. Petitioner No.1 has also made an appeal before Hon'ble the Chief Minister of Punjab for grant of approval for enlistment of her son on the post Sub Inspector as a special case. Petitioner No.2 fulfills the requisite qualification for appointment as Sub Inspector, however, the authorities had declined the claim of the petitioners.

On the other hand, learned State counsel submits that the case of the petitioners is not covered under the Government Instructions issued by the State of Punjab. The husband of petitioner No.1 had died in the State of Odisha, therefore, the State of Odisha is the competent authority to grant the appointment to petitioner No.2 on compassionate grounds

Heard, learned counsel for the parties and perused the record minutely.

Petitioner No.1 being wife is claiming appointment for petitioner No.2 on compassionate grounds due to death of her husband who while posted in the State of Odisha had died in an encounter. As per

record, the Director General of Police, Punjab, vide its letter dated 10.07.2009 (Annexure P-8) intimated petitioner No.1 that as per instructions, the candidate can be considered for enlistment only against Class-III or IV posts and the request of petitioner No.1 for providing appointment to petitioner No.2 in the PCS Cadre cannot be considered. In earlier writ petition No.9629 of 2013 filed by the petitioners, the State had filed response wherein it was stated that the claim of the petitioners was not covered under Government instructions and acceptance of claim could result in legal complications. The said petition was ordered to be dismissed as withdrawn, vide order dated 08.07.2015 (Annexure P-24). Earlier petitioner No.2 raised claim for appointment as PCS and subsequently, the prayer was made to the post of Sub Inspector in Punjab Police, however, as per Govt. Instructions, the case of the petitioners is not covered under any policy of the State of Punjab. Moreover, as per learned counsel for the petitioners, petitioner No.2 has been given appointment in the State of Odisha on compassionate basis.

In view of the above, finding no merit in the instant petition, the same is hereby dismissed.

15.02.2018

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(JITENDRA CHAUHAN)
JUDGE

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