

CWP-17749-2015
CWP-3324-2016

1

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

1. CWP-17749-2015
Date of decision: 30.10.2018

Vinod Kumar
...Petitioner

Versus

State of Punjab and others
...Respondents

2. CWP-3324-2016

Paramjit Kaur
...Petitioner

Versus

State of Punjab and others
...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Arun Takhi, Advocate, Advocate for the petitioner
in CWP-17749-2015 and
for respondent No.5 in CWP-3324-2016

Ms.Ambika Bedi, AAG, Punjab

Mr.GP Vashisth, Advocate for the petitioner
in CWP-3324-2016 and
for respondent No.5 in CWP-17749-2015

JITENDRA CHAUHAN, J.

This judgment shall dispose of both the abovementioned writ
petitions, as the common questions of law and facts are involved therein.

Father of Vinod Kumar and husband of Paramjit Kaur, namely

Mohinder Ram, who was working as peon in Govt. High School, Takarla, Tehsil Balachaur, District Nawanshahar, had expired on 13.06.2013. He left behind one son, namely, Vinod Kumar, petitioner in CWP-17749-2015 and two daughters, namely, Subhma Devi and Mamta Devi whereas his wife had already expired. One Paramjit Kaur, who is the petitioner in CWP-3324-2016, is alleged to have performed Kareva marriage with the deceased.

Learned counsel for petitioner Vinod Kumar submits that the petitioner is fully eligible for compassionate appointment being covered under the policy dated 21.11.2002 (Annexure P-5). He had submitted the application to the Head Master, Govt. High School, Takarla, Tehsil Balanchaur alongwith duly sworn affidavit of Paramjit Kaur stating therein that she has no objection if the petitioner is appointed in place of Mohinder Ram. The said application was duly forwarded to respondent No.3- District Education Officer (Secondary Education), SBS Nagar vide letter dated 19.10.2013 (Annexure P-8). However, subsequently, she changed her stance. He further contends that the application for compassionate employment has been laying pending with respondent No.3 on account of *inter se* dispute between the legal heirs of Mohinder Ram, as is clear from order dated 22.4.2015 (Annexure P-17). During his life time, the deceased had nominated his son, Vinod Kumar, petitioner in CWP-17749-2015 to receive any amount htat may be sanctioned by the respondent-Department in case of his death during service vide application dated 30.9.2000 (Annexure P-11). However, by ignoring the nomination as well as registered

Will dated 30.4.2012 (Annexure P-3) in favour of petitioner Vinod Kumar,

the respondents issued pension payment order in favour of petitioner Paramjit Kaur in CWP-3324-2016 vide letters dated 3.9.2013 (Annexures P-12 and P-13). He further submits that at this stage, petitioner Vinod Kumar would have no objection with regard to disbursement of the family pension to Paramjit Kaur, in case his claim for compassionate appointment is considered.

Learned counsel for petitioner Paramjit Kaur submits that he is not averse to the proposal. if petitioner Vinod Kumar is given appointment as per policy dated 21.11.2002 (Annexure P-5) provided the funds received by him are passed on to her.

Heard.

Considering the fact that as per the policy of compassionate appointment dated 21.11.2002 (Annexure P-5), petitioner Paramjit Kaur being illiterate and overage is not eligible for appointment and the fact that she has no objection, if Vinod Kumar is given compassionate appointment, the respondents are directed to consider and decide the case of petitioner Vinod Kumar with regard to the compassionate appointment as per the Policy dated 21.11.2002 (Annexure P-5) within four weeks from the date of receipt of the certified copy of this judgment. It is further clarified that petitioner Paramjit Kuar in CWP-3324-2016 is held entitled to the family pension and all other monetary benefits and petitioner Vinod Kumar in CWP-17749-2015 is directed to return the entire amount, if any, received by him or any receipt of payment in future with regard to the employment of

late Mohhinder Ram to Paramjit Kaur petitioner in CWP-3324 of 2016

CWP-17749-2015
CWP-3324-2016

4

within a period of three months of the receipt of the certified copy of this judgment.

Disposed of accordingly.

A photocopy of this order be placed on the file of the connected case.

30.10.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?	Yes	/	No
Whether reportable?	Yes	/	No