

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-13955-2018(O&M)
Date of decision : 07.12.2018

Chandigarh Administration and others

... Petitioners

Versus

Rahul Bhardwaj and others

... Respondents

***CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU***

Present: Mr. Vikas Chatrath, Advocate
for the petitioners.

Mr. Naveen S. Bhardwaj, Advocate
for the caveator-respondent no.1.

RAJIV SHARMA, J.

This petition has been filed against the order dated 13.12.2017 rendered by the learned Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'the Tribunal') in O.A. No.060/00570/2017.

2. The brief facts necessary for the adjudication of the petition are that respondent No.1 has lost his father on 22.01.2014. The mother of respondent no.1 had submitted an application seeking appointment for her son on compassionate ground for the post of Assistant Sub Inspector. The case of respondent no.1 was duly considered by the Departmental Common Committee. The meeting was held on 11.02.2014. The matter was also approved by the Advisor to Administrator, U. T. Chandigarh. His case was forwarded to the Government of India on 20.03.2014. The Government of India has raised certain objections vide letter dated 17.12.2014 to the effect

that post of Assistant Sub Inspector falls under Group C. However, the fact of the matter is that one Parminder Singh though similarly situated was offered appointment to the post of the Assistant Sub Inspector on compassionate ground vide letter dated 26.12.2014. The representation made by respondent no.1 was turned down. He was offered only post of Constable vide order dated 29.04.2016. In these circumstances, respondent no.1 had approached the learned Tribunal. The original application was allowed. Hence this writ petition.

3. The father of respondent no.1 was working as Deputy Superintendent of Police. He had died due to heart attack. Parminder Singh's father died while apprehending hardcore criminal. Though the appointment on the basis of compassionate ground is not a matter of right but there should not be any discrimination or arbitrariness. The rules have been relaxed qua Parminder Singh and he was offered appointment to the post of Assistant Sub Inspector. The learned Tribunal has rightly come to the conclusion that there was violation of Articles 14 and 16 of the Constitution of India. Accordingly there is no merit in the petition and the same is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

December 07, 2018.

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No