

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

CWP No.14765 of 2018 (O&M)

Date of Decision: 02.08.2018

Vaibhev

...Petitioner

VS.

Union of India & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Vipin Mahajan, Advocate for the petitioner

SURYA KANT J. (Oral)

(1) The petitioner assails the order dated 20.12.2017 whereby Central Administrative Tribunal, Chandigarh Bench, Chandigarh (in short, 'the Tribunal') has dismissed the Original Application in which he sought a direction for his appointment on compassionate grounds under the *ex gratia* policy (P8) of the respondents.

(2) The facts are broadly admitted.

(3) The mother of the petitioner joined the Postal Department and lastly she was working as Accountant in the office of Superintendent of Post Offices at Gurdaspur. On completion of 27 years of service, she applied for voluntary retirement as she had undergone cardiac treatment on 08.01.2014. She submitted her request for voluntary retirement under Rule 48A of the Central Civil Service (Pension) Rules, 1972. Her request was accepted; order of voluntary retirement was passed and she was relieved w.e.f. 04.04.2016. After her retirement, the mother of the petitioner unfortunately passed away on 25.12.2016. The petitioner thereafter applied on 15.05.2017 that he may be appointed on compassionate grounds. It is pertinent to

mention that father of the petitioner was also a Government employee and has retired as Assistant Engineer from Punjab Government on 31.12.2015.

(4) The competent authority turned down the petitioner's request vide order dated 21.06.2017 which he unsuccessfully challenged before the Tribunal.

(5) We have heard learned counsel for the petitioner and gone through the impugned order.

(6) In our considered view, it is not a case of such mitigating circumstances or hardship where the policy to appoint on compassionate grounds could be invoked to provide source of livelihood to the petitioner. It goes without saying that the petitioner's father retired from a Gazetted post and is receiving pension from the State of Punjab. His mother also, by virtue of being a retiree, got all the retiral benefits. If the Rules so permits, a dependent child can claim 'family pension' as well after unfortunate demise of his mother/father. It was not a case of death of an employee in harness. We have thus serious doubts on the very maintainability of the petitioner's claim.

(7) No case to interfere with the order passed by the Tribunal is made out.

(8) Dismissed.

(Surya Kant)
Judge

02.08.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No