

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23976-2015 (O&M)

Date of Decision:-25.01.2018.

Satish Sharma

.....Petitioner

Versus

Food Corporation of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Amit Rana, Advocate for the petitioner.

Mr. K.K. Gupta, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the order dated 22.07.2014 (Annexure P-10) and further sought for a direction to the respondents to consider his name for compassionate appointment from the date when his juniors have been given appointment and consequential service benefits.

Petitioner's father Late Sh. Ramesh Sharma while working as AG-III (D) posted at Depot Fatehabad died on 15.01.2004. On 03.08.2005, petitioner is stated to have submitted application for compassionate appointment. With reference to policy decision, respondents have taken a decision that petitioner is not entitled to compassionate appointment on 22.07.2017. One of the ground for rejection of petitioner's claim was that he was married. As per Depot policy dated 30.05.2013, a married son of a deceased employee is not entitled to be considered for compassionate

appointment as he was not dependent on the deceased employee. Whereas, factual aspects are required to be taken into consideration for the purpose of compassionate appointment is as on the date of submission of application i.e. in the present case on 03.08.2005 whether petitioner was married or not so as to reject his claim. Petitioner submitted that he got married on 28.06.2009 i.e. much after the submission of application dated 3.8.2005. Therefore, respondents' order dated 22.7.2014 is liable to be set aside. In view of the facts and circumstances, order dated 22.7.2017 is set aside. Concerned respondent is hereby directed to re-consider petitioner's claim for compassionate appointment with reference to his application dated 03.08.2005 read with the policy as on that date and so also eligibility is required to be considered as on 03.08.2005 and not on the date of consideration of petitioner's application for compassionate appointment. His name shall be considered for Class-III or Class-IV post depending upon the availability of vacancies and eligibility. The above exercise shall be completed by the concerned respondent within a period of 3 months from today. If the petitioner is otherwise eligible, he be appointed prospectively either to Class-III or IV.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

January 25, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.