

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

CWP No. 4100 of 2014 (O&M)

Date of decision: 07.05.2018

Gurpreet Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Gaurav Singla, Advocate for the petitioner(s).

Ms. Sunint Kaur, AAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, the petitioner seeks issuance of directions in the nature of mandamus to the respondents to grant him suitable employment on compassionate grounds.

The claim for compassionate appointment has been rejected on the ground of his being married and for want of dependency certificate. Learned counsel refers to Annexure P-1, the policy dated 21.11.2002, wherein it is not mentioned that a married son cannot seek compassionate appointment. It is also contended that the identically placed married persons have been granted the benefit of compassionate appointment by respondents Department, therefore, the respondents cannot deny the same benefit to the petitioner.

On the other hand, learned State counsel refers to the affidavit (Annexure R-7) furnished by mother of the petitioner whereby

she has stated that she is working as Steno in Town Improvement Trust, Sangrur and is getting Rs.19275/- per month and application (Annexure R-8) submitted by the petitioner whereby he has stated that he is married and doing private job as technician and getting Rs.1000/- per month. It is also submitted that no claim from the family of deceased Davinder Singh other than the petitioner has been received by the respondent Department and the case of the petitioner has been rejected since his case is not covered by the instructions issued by the Personnel Department. The petitioner and his mother were employed at the relevant time, therefore, the respondents have rightly rejected the claim of compassionate appointment.

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

In the case in hand, the dependency of the petitioner is not in dispute. The petitioner being legal heir of deceased Davinder Singh had laid claim for compassionate appointment before the respondents, who rejected the same on the ground that the petitioner was married whereas in the policy, there is no reference that legal heir should be an unmarried person and only word 'son' has been mentioned. As per Annexure P-5, the information sought under Right to Information Act by the petitioner, the respondents have given the compassionate appointment to three married dependents, therefore, the respondents cannot not deny the same benefit to the petitioner. Moreover, the petitioner who is getting Rs.1000/- per month cannot be said to be in employment, keeping in view the cost of living these days.

Keeping in view the above, the present petition is allowed.

The respondents are directed to issue appointment to the petitioner on compassionate ground as per his entitlement or qualification along with all consequential benefits, if any, within a period of three months from the date of receipt of certified copy of the order.

07.05.2018

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(JITENDRA CHAUHAN)
JUDGE

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