

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

**CWP-5915-2014 (O&M)
Date of decision : 21.11.2018**

Sonia

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jaskaran Singh, Advocate,
for Mr. Deepak Arora, Advocate,
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

JITENDRA CHAUHAN, J.

The petitioner seeks issuance of a direction to the respondents to appoint the petitioner to some Class IV post on compassionate basis consequent upon the death of her mother while serving in the office of respondent No.3.

It is contended that vide registered adoption deed dated 31.10.2002, the petitioner was adopted by Puran Chand and his wife Chanchal Devi, as the couple was issueless. The petitioner's mother namely, Chanchal Rani, was a Class IV employee posted at MHC Behrampur, District Gurdaspur. During the tenure of her service, Chanchal Rani died on 04.07.2013 leaving behind the petitioner as her sole legal heir. Consequent upon the death of Chanchal Rani, the petitioner submitted an application with the Department to consider her case for compassionate

appointment along with other monetary benefits. However, the claim of the petitioner has been rejected solely on the ground that the petitioner had solemnized marriage prior to the death of Chanchal Rani, therefore, her case for appointment on compassionate grounds could not be accepted.

On the other hand, learned State counsel submits that the case of the petitioner is not covered under the scheme for compassionate appointments in case of death of an employee in harness notified vide letter dated 21.11.2002.

Heard.

As per the scheme notified vide letter dated 21.11.2002, the dependant family member has been defined as under:-

- a) spouse; or
- b) son (including adopted son); or
- c) unmarried daughter (including adopted daughter); or
- d) unmarried brother or unmarried sister in the case of unmarried government servant.

Admittedly, the petitioner had already solemnized marriage before the death of her mother, therefore, she is not covered under the definition of dependant as per the scheme dated 21.11.2002. Otherwise, the petitioner has been paid the entire retiral benefits of the deceased.

In view of the above, no case for grant of relief sought in the instant petition is made out.

Dismissed.

21.11.2018
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(JITENDRA CHAUHAN)
JUDGE

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