

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 24191 of 2018

Date of decision : September 21, 2018

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Virmati W/o Lt. Sh. Rajender Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Maninder Arora, Advocate for the petitioner.

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RITU BAHRI, J.

Through this writ petition, the petitioner is seeking directions to the respondents to consider the year of appointment of petitioner as June 2004 i.e from the date of her application (Annexure P-1) for appointment on compassionate basis instead of June 2006 as per her representation dated 4.2.2016 (Annexure P-7).

Briefly stated, the facts of the case are that Rajendra Kumar, husband of the petitioner was working as Social Education and Panchayat Officer in the respondent-Department. He expired on 24.5.2004. On 21.6.2004, Virmati widow of Rajendra Kumar-the petitioner applied for the job on compassionate grounds by way of making application (Annexure P-

1). Along with the application, she supplied all the requisite documents as well as the eligibility certificate, qualification certificate and no objection from other legal heirs. Vide letter dated 29.6.2004 (Annexure P-2), her case was forwarded by respondent no.3-Block Development and Panchayat Officer to the Director, Panchayat Haryana, Chandigarh for consideration and for taking necessary action. Vide letter dated 24.2.2006 (Annexure P-4), the petitioner was offered the post of peon and vide order dated 5.6.2006 (Annexure P-6), she was given an appointment on the post of Peon on compassionate grounds. After a gap of ten years, petitioner moved an application dated 4.2.2016 (Annexure P-7) for treating her date of appointment as June 2004 instead of June 2006 as in June 2004, she had submitted her application for appointment on compassionate grounds.

In the light of the above facts, I am of the opinion that this petition deserves to be dismissed on two grounds. The first ground is that after having accepted the appointment offered vide appointment letter dated 5.6.2006 (Annexure P-6), the petitioner filed this petition in the year 2018 i.e after a gap of almost 12 years. The second ground on the basis of which the present petition deserves dismissal is that the time taken between her application and her appointment was on account of the fact that the petitioner was seeking a post of Clerk for which she was not qualified as she had not obtained 33% marks in the compulsory subjects of Hindi and English in 10th standard, therefore she could only be offered the post of peon vide letter dated 24.2.2006 (Annexure P-4). After she gave her consent for appointment to the post of peon vide letter dated 23.3.2006 (Annexure P-5),

she was appointed on the post of peon vide letter dated 5.6.2006 (Annexure P-6). Moreover compassionate appointment is a concession granted to facilitate the family of the deceased employee. Hence she has no right to be given ante date appointment from the date of making an application for appointment on compassionate grounds.

There is no merit in the present writ petition. Hence, the same is hereby dismissed.

September 21, 2018
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(RITU BAHRI)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No