

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

**CWP NO. 8846 OF 2016
DECIDED ON : 13.12.2018**

Satnam Kaur

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Nidhi Garg, Advocate for
Mr. Navdeep, Advocate,
for the petitioner.

Mr. Abhay Pal Singh, AAG, Punjab.

Mr. Piyush Khanna, Advocaes,
for respondents No.2 to 4.

ARUN MONGA, J. (ORAL)

1. The present writ petition has been filed for issuance of a writ in the nature of certiorari, *inter-alia*, seeking quashing of impugned letter dated 16.06.2015 (Annexure P-3), whereby respondent No.2-Punjab State Power Corporation Limited (hereinafter referred to as "PSPCL") declined to consider the case of petitioner for appointment on compassionate grounds as her husband had died in harness, while in the service of respondent No.2.

2. It has been stated in the letter dated 16.06.2015 that there was some civil litigation pending with regard to the fact that who would get the service benefits on compassionate

grounds in view of guardianship suit which was filed by the mother-in-law of deceased employee seeking guardianship of children of the petitioner/her husband. The petitioner also issued a legal notice dated 04.03.2016 (Annexure P-6) which was replied vide Annexure P-7 stating therein that apart from the pendency of civil suit (supra), even the application of petitioner seeking compassionate appointment was incomplete in certain other aspects viz., the dependency certificate was not submitted and 'No Objection Certificate' of other legal heirs had also not been submitted.

3. Learned counsel for the petitioner contends that subsequently she had submitted her application for appointment and the requisite information was provided. That apart, the said civil suit owing to which her case was not considered, was also dismissed in default vide order dated 19.02.2015 (Annexure P-9). She further contends that another suit for permanent injunction, which was filed by mother of petitioner's deceased husband seeking injunction qua disbursement of retiral benefits of deceased employee, was also dismissed vide judgment and decree dated 15.10.2018. Learned counsel further contends that none of the objections of the respondent-Corporation for not considering her case for compassionate appointment survives anymore.

4. Per contra, learned counsel for the respondent-

Corporation contends that the petitioner has already submitted her representation dated 11.12.2015 (Annexure P-5) and the respondent-Corporation will consider the same in terms of the changed circumstances.

5. In this view of the matter, the present writ petition is disposed of with a direction to respondent No.2-PSPCL to pass a speaking order on the representation dated 11.12.2015 (Annexure P-5), keeping in view the contentions of learned counsel for the petitioner as noted above. Needful be done within a period of 8 weeks' from the date of receipt of certified copy of this order.

Disposed of accordingly.

(ARUN MONGA)
JUDGE

DECEMBER 13, 2018

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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |