

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

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**CWP-3182-2018 (O&M)
Date of decision:19.03.2018**

Niket Kapoor

... Petitioner

Versus

Union of India and others

....Respondents

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

Present: Mr.Rahul Dev Singh, Advocate for the petitioner.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner's grievance is that he is entitled to compassionate appointment on account of his father's death on 02.05.2006. As on the date of death of father of petitioner, he was minor. He has attained majority in the month of June, 2009 whereas application for compassionate appointment was submitted on 13.03.2017 by the petitioner's mother. Application has been rejected on 08.05.2017. Hence the present petition. Reasons for rejection of the petitioner's claim for compassionate appointment has been assigned by the respondents as under:-

"5. Now, you have submitted an application for consideration of compassionate appointment of your son Niket Kapoor after eleven years of death of your husband and after more than twelve years (approximate) after attainment of majority of your daughter and after more than seven years (approximate) after attainment of majority of your son. Moreover, as per present policy in case of minor a request for compassionate appointment may be treated as belated, if the request is made after more than five years or so from the date of attaining

majority. Hence considering revised policy also your son's case has also been belated."

In view of the reasons stated above and the fact that belated application for compassionate appointment, petitioner has not made out a case. Supreme court time and again held that compassionate appointment is not a fundamental right so as to seek appointment and it is only a social legislation in order to overcome harness in the family of the deceased employee. When the petitioner and members of the family of the deceased survived from 02.05.2006 to 2017 therefore, question of harness in the family may not arise. Accordingly, there is no infirmity in the rejection of the petitioner's claim for compassionate appointment.

2. CWP stands dismissed.

19.03.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No