

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

CWP-3917-2018

Date of decision-08.03.2018

Amandeep Singh

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. R.C.Sharma, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 22.12.2017 (Annexure P-12) whereby the application of petitioner for compassionate appointment has been rejected.

Briefly, the facts of the case, as made out in the present petition, are that mother of the petitioner, namely, Smt.Gulzar Kaur was working as Auxiliary Nursing Midwife, MPHWS at Bhadson, Patiala. At the time of her death on 25.04.1983, the petitioner was minor. The petitioner passed matriculation examination in the year 2001 (Annexure P-2). The petitioner had been getting pension after the death of his mother up to the age of 21 years. After acquiring the requisite qualifications, an application was sent by the petitioner to the respondent/department for his appointment on compassionate grounds which was rejected on the ground that case of the petitioner is not covered under the Instructions dated 03.07.2008 (Annexure P-13).

Contends that the impugned order dated 22.12.2017 (Annexure P-12) is illegal, unlawful and has been passed after ignoring the policy in question. Further, he contends that the petitioner remained under mistaken belief that he would be eligible to seek compassionate employment till the pension is not stopped by the department.

I have heard learned counsel for the petitioner and have gone through the case file.

The relevant para of the State Government Policy dated 03.07.2008 (Annexure P-13) reads as under:-

“13 (a) Provided that in the case where the deceased Government employee leaves behinds his/her minor children, who are studying at the time of death of the employee and are not qualified; for an employment in the Government and the spouse is not in a position to join the Government job, a dependant child may be allowed to apply for compassionate appointment by the Competent authority, within a period of one year from the date of attaining the age and educational qualifications for a Group 'C' or 'D' appointment in government.”

In the instant case, petitioner's mother died on 25.04.1983 and application for grant of appointment on compassionate grounds was moved by the petitioner in the year 2004 i.e. after attaining the age of majority and lapse of more than 21 years, which is hit by delay and laches.

Hon'ble the apex Court in **Bhawani Prasad Sonkar Vs. Union of India, 2011 (4) SCC 209**, has held as under:-

“Application for compassionate employment has to be preferred without undue delay and has to be considered within a reasonable period of time as compassionate appointment is to meet the sudden crisis on account of death or invalidation of the bread winner of the family. We, thus, come to the conclusion that in case an application is made by the dependant belatedly or is considered after inordinate delay, basic requirement of meeting the immediate crisis becomes redundant. Since the objective of the policy is to rescue the family from sudden event plunging it into penury, consideration of application after number of years would be beyond the principles accepted by the apex court in its various decisions.”

A similar view has been taken by a Division Bench of this Court in judgment dated 21.11.2013 titled as “**Satish Kumar Vs. State of Haryana and others**” passed in CWP-15967-2003 decided on 21.11.2013. Para Nos.5 and 6 of the judgment reads as under:-

“[5] Having heard learned counsel for the parties and after going through their contents, we do not find that the Rules under challenge suffer from any legal infirmity. Since the very object of exgratia Scheme is to provide adequate means to the brewed family whose source of livelihood is suddenly taken away, the period of three years to consider one of the dependent family member for appointment on compassionate ground is fair and reasonable. It may be true that the petitioner was only one year old at the time when he lost his father but the fact remains that after 20 years or so it can not be said that the petitioner is still dependent on the salary which was being drawn by his deceased father. No fault, thus, can be found with the decision taken by the respondents.

[6]. Mr. Baldev Singh, learned Additional Advocate General, Haryana informs that as of now, 2003 ex-gratia policy/Rules have been substituted/modified by the new set of policy. Suffice it would be to observe that if under the new policy and/or any other previous policy, if the petitioner or his mother are entitled to any financial assistance, the respondents shall consider their claim for the same and pass an appropriate order, in accordance

with law, within a period of four months from the date a certified copy of this order is received.”

Thus, in view of the discussion and the case law cited above, this Court is not inclined to interfere in the impugned order.

Consequently, the present writ petition sans merit, stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

08.03.2018
vanita

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