

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-28.02.2018

CWP No.4915 of 2018

Jaskaran Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

AND

CWP No.4722 of 2018

Sawaranjit Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Vikas Chatrath, Advocate for the Petitioner
(in CWP No.4915 of 2018).

Mr. Surmukh Singh, Advocate for the Petitioner
(in CWP No.4722 of 2018).

JASWANT SINGH, J.(ORAL)

1. This order shall dispose of both the aforesaid two writ petitions as common questions of law are involved therein. For the sake of convenience the facts are being taken from CWP No.4915 of 2018.

Lrs of deceased employees are claiming compassionate appointment, who had admittedly died during their “extension period” of employment, on the basis of instructions dated 27.12.2016 (Annexure P-4), whereby the Government of Punjab had extended the benefit of appointment

on compassionate basis, to all the Group-A, B, C & D employees, in case they had expired during their extension period. The said instructions were made applicable from 08.10.2012. However, their claim for compassionate appointment has been declined by the Authorities on the basis of subsequent instructions dated 29.03.2017 (Annexure **P-7**), whereby the Government of Punjab decided to withdraw the instructions dated 27.12.2016 (**P-4**) on re-examination.

2. Learned Counsel for the petitioners have argued that the cases of the petitioners have been wrongly rejected by the concerned respondents, by relying upon the subsequent instructions dated 29.03.2017 (**P-7**). It is argued that since the claim of the dependants of employees was covered by the instructions dated 27.12.2016 (**P-4**), which were in force at the time of pendency of applications, therefore, the claim was required to be adjudicated by the respondents on the basis of the instructions dated 27.12.2016 (**P-7**).

3. I have heard learned Counsel for the petitioners and perused the paper books with their able assistance.

The subject of compassionate appointment is more on the basis of *largesse* of the State Government and a beneficial legislation, which completely lies in the domain of the State Government. Compassionate appointment is not as a matter of right but is as a matter of discretion exercised by the State Government, to support the families of the deceased employees, who are left in lurch. However, the State is always within its right to withdraw the instructions at any point of time, by reviewing the same in case it is found to be not in serving purpose or in public interest any longer. In the present cases, it is found that Jaskaran Singh petitioner in

CWP No.4915 of 2018 had moved his application for compassionate appointment on 29.12.2016 by alleging that his father died on 7.7.2015, whereas in the writ petition filed by Surmukh Singh bearing **CWP No.4722 of 2018** petitioner had moved application on 19.02.2016 alleging that his father had expired on 02.12.2015 during the period of extension.

Admittedly, at the time when the employees concerned had expired, the Policy dated 27.12.2016 was not in existence. Although, the claims of the petitioners have been rejected after advent of the Policy dated 27.12.2016, however, it is to be seen that at the time, when the claims of the petitioners were decided, the said Policy dated 27.12.2016 was also withdrawn vide instructions dated 29.03.2017. Thus, the respondents had rightly exercised their jurisdiction, while dismissing the claims of the petitioners on the ground that there is no policy for appointment of Lrs of a deceased employee who died during the extension period, as per the settled law that the material point is the time of consideration and not the death of the parent or the time of making application much less during the pendency of the application, since no indefeasible right had come to vest in the petitioners.

In view of the above, both the aforementioned writ petitions stand dismissed.

(JASWANT SINGH)
JUDGE

February 28, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>