

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.9352 of 2018
Date of Decision:19.04.2018

Rupinder Singh and another

. Petitioners

Vs.

The State of Punjab

. Respondent

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Sukhdip Singh Brar, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J.

The petitioners have prayed for the issuance of a writ in the nature of mandamus seeking a direction to the respondent to appoint petitioner No.1 on compassionate ground to any job in the State of Punjab commensurate to his educational qualification.

The petitioners have averred that one Jasbir Singh had two sisters, namely, Jasbir Kaur and Raghbir Kaur. Jasbir Kaur being the eldest in the family had two sons, namely, Davinder Singh and Sukhwant Singh. It is further averred that Jasbir Singh was looking after the family of his widowed sister Jasbir Kaur. Jasbir Singh was allegedly killed in the terrorists attack on 9.11.1991. FIR No.162 was registered in this regard at Police Station Baghapurana, District Faridkot. Petitioner No.1 is the son of Davinder Singh (petitioner No.2). The prayer made in this petition is to give compassionate appointment to Davinder Singh (petitioner No.2), who is 56 years of age or to his son Rupinder Singh (petitioner No.1) who is 30 years

of age. The petitioners have submitted that as per the Government policy, a dependent member of the family of a person (bread-winner) killed or 100% physically disabled in terrorist action or by security forces acting in-aid of civil power, in the State is entitled to the appointment on compassionate ground.

I have heard learned counsel for the petitioners and perused the available record.

The petitioners themselves have averred in the petition that the dependent family member means spouse, son (including adopted son, unmarried daughter (including adopted daughter) or unmarried brother or unmarried sister in the case of unmarried Government Servant, who was wholly dependant on the Government Servant/member of the Armed Forces at the time of death in harness. Both the petitioners do not fall in any of the said category, therefore, in the absence of any right vested with them by virtue of any policy and any corresponding duty cast upon the respondent, no mandamus can be issued and hence, the present petition is hereby dismissed being denuded of any merit.

19.04.2018

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No