

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

LPA No.528 of 2016 (O&M)

Date of Decision: 21.08.2018

Radhika Sharma

...Appellant

VS.

PSPCL & Ors.

... Respondents

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mr.Justice Sudip Ahluwalia**

Present: Mr. Ranjit Sharma, Advocate for the appellant

Mr. VM Gupta, Advocate and
Mr. Gursimranjit Singh, Advocate for PSPCL

SURYA KANT J. (Oral)

(1) The only question that falls for consideration in this Letters Patent Appeal is whether or not the appellant is entitled to be considered for appointment on compassionate grounds in accordance with the *ex gratia* policy which was brought into force by the respondent-Corporation on 16.04.2010?

(2) The father of the appellant was working as Assistant Lineman and he died in harness on 05.12.2008. The appellant was minor at that time. By the time she attained majority, the policy of 2010 had come into force but the learned Single Judge has restricted her claim only *qua* payment of *solatium* along with interest @ 6% per annum.

(3) The deceased employee has left behind his widow and two minor daughters. The appellant is the elder girl child. Her request for providing employment on compassionate grounds, has to be mirrored keeping in view the need to provide social security and women empowerment. Her claim may not be as compared with that of the male

Corporation, namely, that 2010 policy was not in vogue at the time when the father of appellant died, defeats the very purpose of a welfare policy. Her claim is further distinguishable as she was a minor at the time she lost her father and she could be considered for appointment only on attaining the age of majority.

(4) We have impressed upon learned counsel for the respondent-Corporation that overlooking these unsustainable technicalities, the claim of the appellant for appointment may be considered on merits as has been consistently done in the case of various other dependents of the employees who unfortunately died after the 2010 policy came into force. We have no reasons to doubt that the authorities will consider the claim of the appellant very sympathetically keeping in view the peculiar facts and circumstances of her case and the responsibilities to be shouldered by her.

(5) Let an appropriate decision be taken within a period of three months from the date of receipt of certified copy of this order uninfluenced of the earlier administrative decision.

(6) The order of learned Single Judge stands modified to this extent.

(7) Ordered accordingly.

CM-1151-LPA-2016

Allowed as prayed for. Document (P13) is taken on record subject to all just exceptions.

CM stands disposed of.

(Surya Kant)
Judge

21.08.2018
vishal shonkar

(Sudip Ahluwalia)
Judge