

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

LPA No.2391 of 2017 (O&M)

Date of Decision: 21.08.2018

Gulshan Sharma & Anr.

...Appellants

VS.

PSPCL & Ors.

... Respondents

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

Present: Mr. Sameer Sachdeva, Advocate for the appellants

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

SURYA KANT J. (Oral)

(1) The only question which falls for consideration in this Letters Patent Appeal is whether or not appellant No.2 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 facts of this appeal though are not identical with the connected appeal i.e. LPA No.528 of 2016 which has been disposed of vide separate order of even date but it appears that instant appeal can also be disposed of with same directions.

(3) The appellants are widow and son of Pardeep Kumar Sharma who was working as Auxiliary Assistant Engineer. He died in harness on 18.12.2009. Appellant No.2 is said to have applied in the year 2015 seeking his appointment on a suitable post on compassionate ground. His claim was, however, rejected prompting the appellants to approach this Court.

(4) The 2010 policy came into force soon after the death of the employee under which *solatium* as well as appointment on compassionate

(5) There is a serious dispute as to when did appellant No.2 apply for appointment on compassionate ground.

(6) Be that as it may, it appears that the delay, if any, on the part of appellant No.2 cannot obviously work to the disadvantage of the respondent, for if he is found suitable and eligible, he can be given appointment prospectively only.

(7) Let the claim of appellant No.2 be thus considered sympathetically in the light of the observations and directions made vide a separate order of even date passed in the connected appeal i.e. **LPA No.528 of 2016** titled as **Radhika Sharma vs. PSPCL & Ors.** subject to his fulfilling the eligibility conditions.

(8) An appropriate decision may be taken within a period of three months from the date of receipt of certified copy of this order uninfluenced of the earlier administrative decisions. We have, however, not expressed any opinion on the merits of the appellant's claim.

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

(10) Ordered accordingly.

CM-5292-LPA-2017

Allowed as prayed for. Documents (A1 & A2) are taken on record subject to all just exceptions.

CM stands disposed of.

(Surya Kant)
Judge

21.08.2018
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No