

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

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**RSA-3975-2017 (O&M)
Date of decision:23.03.2018**

Punjab State Power Corporation Limited and others

... Appellants

Versus

Nirval Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Ms. Rivayat Hayek, Advocate for
Mr. H.S.Grewal, Advocate for the appellants.

Mr. P.K.S.Phoolka, Advocate for the respondent.

P.B. BAJANTHRI, J. (ORAL)

CM-4417-C-2018

This is an application for placing on record Annexures A1 and A2. Heard. Allowed, as prayed for subject to all just exceptions.

Annexures A1 and A2 are taken on record.

Main case

In the present appeal, appellants have questioned the validity of judgment of appellate court dated 07.02.2017. The respondent's grievance is relating to entitlement of compassionate appointment on account of death of the father of the respondent on 17.05.2004. As on 17.05.2004 policy for

compassionate appointment dated 21.11.2002 was in vogue. Thereafter, new policy was introduced on 23.11.2004. Therefore, old policy dated 21.11.2002 was applicable as on 17.05.2004 at the time of death of respondent's father. Learned counsel for the appellant submitted that in new policy dated 23.11.2004 in para 2 it was stated that "In the meantime, the compassionate appointment cases were temporarily stopped in 4/2002 to be considered in the light of the new policy" and in para No. 8 of the policy instruction, it was made applicable from the date of issue of instruction. In view of the aforesaid wording in the new policy respondent is not entitled to compassionate appointment under the 2002 policy. It is to be noted that aforesaid statement made in the new policy do not specify from what date 2002 policy was seized temporarily. That apart as long as 2002 policy is not reviewed, modified or cancelled prior to 17.05.2004 the date on which respondent's father died, respondent's contention cannot be accepted to the extent that 2002 policy was stalled temporarily that too in the absence of particular date. In view of these facts and circumstance, appellant has not made out a case.

Accordingly, appeal stands dismissed.

23.03.2018

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No