

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5998-2019 (O&M)
Date of decision : 6.3.2019

Anuruch Yadav

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Snehdip Oberoy, Advocate for the petitioner.

KULDIP SINGH, J.

Petitioner has impugned the order dated 14.9.2016 (Annexure P-6), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal'), vide which the original application i.e. OA No., 060/00830/2016, titled as '*Anuruch Yadav Vs. Union of India and others*', filed by the petitioner seeking direction to respondent-department to consider his case for appointment on compassionate grounds has been dismissed in limine.

The short facts which are required to be noticed are that according to the applicant-petitioner, his father-Bharat Lal was working as a Group-D employee in Post Office with respondents. He died in harness on 2.12.2002. At that time, applicant-petitioner was minor and family pension was sanctioned to him. He attained the age of majority on 11.12.2011. He submitted an application before the respondent-department for appointment

on compassionate grounds as he is the only legal heir of his father and has no source of income except the family pension. He made several representations but respondents has failed to finalize his case for appointment on compassionate grounds and grant him service.

We have learned counsel for the petitioner and have carefully gone through the case file.

A copy of the order dated 31.10.2005 (Annexure P-1) passed by learned Civil Judge (Sr. Division)-cum-Guardian Judge, Bathinda goes to show that in an application filed under Section 7 of the Guardian and Wards Act, 1980 (for short 'the Act'), it was pleaded that deceased-Bharat Lal was unmarried and that he had adopted the applicant-petitioner namely Anuruch Yadav when he was only two months old. This fact was nowhere stated in the petition. In this way, the fact that deceased-Bharat Lal was unmarried and that applicant-petitioner is the adopted son of the deceased-Bharat Lal was concealed. Family pension payment order has not been annexed with the present petition. Bharat Lal died on 2.12.2002 and the application under Section 7 of the Act for appointing Bal Mukand Yadav as guardian of Anuruch Yadav (titled as '*Balmukand Yadav vs. General Public*') was filed on 3.4.2003 which was decided on 31.10.2005 by learned Civil Judge (Sr. Division), cum-Guardian Judge, Bathinda. The case was filed against general public. On merits also, it is noticed that according to the applicant-petitioner, he became major on 11.12.2011. He has not placed on file the representation made by him except one representation made on 26.3.2016 (Annexure A-1). The application before the Tribunal was filed

after 14 years of the death of the employee.

The Tribunal has rightly observed that the purpose of the compassionate appointment is to enable the family to tide over sudden crisis and to relieve the family from financial destitution. It is to meet the emergency created by the untimely death of the employee in service and cannot be used to provide employment by back door entry. Even the applicant-petitioner became major on 11.12.2011 and for five years he remained silent. According to the order dated 31.10.2005 passed by learned Civil Judge (Sr. Division)-cum-Guardian Judge, Bathinda, applicant-petitioner was adopted by the deceased-Bharat Lal, who was unmarried, when the applicant-petitioner was two months old only. The facts speak for itself and need no comments from this Court.

There is no illegality or infirmity in the order dated 14.9.2016 (Annexure P-6), passed by Central Administrative Tribunal, Chandigarh Bench, Chandigarh declining the prayer of the applicant-petitioner for his appointment on compassionate grounds on account of death of Bharat Lal stated to be his adopted father.

Dismissed.

(RAJIV SHARMA)
JUDGE

(KULDIP SINGH)
JUDGE

6.3.2019
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Whether speaking / reasoned
Whether Reportable:

Yes
Yes