

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

CWP No. 5260 of 2019

Date of decision : 27.02.2019

Bikramjeet Singh

..... Petitioner

versus

**Punjab State Transmission Corporation
Limited and others**

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Karan Bhardwaj, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

Father of the petitioner namely Mahinder Singh was working on the post of Junior Engineer-1 under the Punjab State Transmission Corporation Limited on a regular basis. He died on 26.03.2013 while in harness. Petitioner at that point of time was a minor. After attaining the age of majority and having passed three year regular diploma in Electric Engineering from Govt. Polytechnic College, Amritsar which is affiliated to the Punjab State Board of Technical Education and Industrial Training, an application was moved seeking compassionate appointment.

Apparently the petitioner has been offered the post of Peon vide letter dated 13.09.2018(Annexure P-10) and subsequently letter dated 22.01.2019(Annexure P-12) has been issued calling upon the petitioner to join on the post of Peon at particular place of posting.

Instant writ petition has been filed raising twofold submissions:-

(i) It is contended that the petitioner is vested with a right

to be considered for compassionate appointment against a post which is one step lower than the one held by his deceased father or any other clerical post commensurate to the qualifications that the petitioner possesses. Counsel has referred to a communication dated 07.02.2019 at Annexure P-17 and in terms of which a recommendation has been made for the petitioner to be appointed to a higher post. It is submitted that such recommendation is still under consideration and no final decision in this regard has been taken.

(ii) Direction was sought from this Court that petitioner be not compelled to join on the post of Peon as that would virtually negate his claim for consideration to appointment on compassionate basis to the post of Sub-Station Attendant, Line Man or any other clerical post.

Counsel for the petitioner has been heard at length.

It is by now well settled that compassionate appointment is not a right but a concession. Further more, compassionate appointment is not a regular mode of appointment. There is a policy framed governing appointment on compassionate basis. There is a recommendation made in favour of the petitioner at Annexure P-17 dated 07.02.2019 to appoint him on a post higher than that of a Peon on compassionate basis. The same is still under consideration. Be that as it may, any person who seeks compassionate appointment is surely under circumstances where it is difficult for the family to survive. Under such circumstances there should be

no impediment for the petitioner accepting the post of Peon in pursuance to the letter dated 13.09.2018(Annexure P-10).

It is, however, clarified that in case the petitioner joins on the post of Peon in pursuance to the appointment letter already issued it will be without prejudice to his rights to claim appointment to a higher post i.e. Sub Station Attendant/Lineman or any other clerical post in terms of the recommendation dated 07.02.2019(Annexure P-17).

Writ petition is disposed of with a direction to respondents No.1 and 2 to take a final decision in the matter against the backdrop of the recommendation contained in the communication dated 07.02.2019 at Annexure P-17.

It is made clear that this Court has not expressed any opinion on the merits with regard to the petitioner's claim for appointment on compassionate basis to a post higher than that of a Peon.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

27.02.2019
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No