

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

LPA No.891 of 2019(O&M)

Date of decision: 12.07.2019

Navdeep Singh

... Appellant

Versus

Pepsu Road Transport Corporation, Patiala and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Jagjit Singh, Advocate, for the appellant.

KRISHNA MURARI, C.J. (Oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 31.01.2019, passed by learned Single Judge, dismissing the writ petition filed by the appellant seeking a prayer for compassionate appointment. Admittedly, the father of the petitioner Late Amrik Singh, who was serving as a Driver under the Pepsu Road Transport Corporation, was imposed a major penalty of dismissal from service vide order dated 11.07.2003. An industrial dispute was raised and the Industrial Tribunal, Patiala, vide order dated 22.10.2013, upheld the order of dismissal. During the pendency of the proceedings before the Industrial Tribunal, Amrik Singh died on 02.09.2009. The matter was further pursued by the widow of late Amrik Singh by filing a writ petition before this Court, wherein the order of dismissal was converted into that of a compulsory retirement vide judgment and order dated 08.08.2016. The application made by the present petitioner, who is son of the deceased, seeking compassionate appointment was rejected by the authorities on the ground that the scheme of

compassionate appointment is applicable only in a case where the employee dies in harness. In the present case, admittedly the deceased father of the appellant-petitioner was dismissed from service, which was subsequently converted into compulsory retirement. Thus, at the time of death on 02.09.2009, he was not in service and cannot be said to have died in harness, therefore, in view of the provisions contained in the scheme of the compassionate appointment, the petitioner for the said reason would not be entitled for being considered for the same.

In the wake of the above facts and discussion, we find no illegality in the view taken by the learned Single Judge dismissing the writ petition filed by the appellant-petitioner. Accordingly, the impugned order does not require any interference. The appeal fails and stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

12.07.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO