

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

**CWP No.11746 of 2019 (O&M)
Date of Decision:12.07.2019**

Raj Rani & another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. D.S. Khurana, Advocate for the petitioners.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioners seek a mandamus for directing official respondents No.1 to 3 to initiate departmental proceedings against respondent No.4 who is currently serving as Constable under the Punjab Police.

As per pleadings on record son of the petitioners was married in the year 2014. While in harness and working on the post of Head Constable son of the petitioners unfortunately died on 23.11.2015. Wife of the deceased/respondent No.4 herein was granted appointment on compassionate basis on the post of Clerk in the year 2016. Court has been informed that after having been appointed on compassionate basis, respondent no.4 has remarried.

The prayer in the instant petition to initiate departmental proceedings against respondent No.4 is founded on the premise that at the stage of seeking compassionate appointment respondent No.4 had submitted an affidavit before the respondent authorities that she would maintain her in-laws. It has been argued that since respondent No.4 has resiled from her statement as per affidavit, she ought to be proceeded against.

Having heard counsel for the petitioners at length, this Court is of the considered view that no interference in the instant writ petition is called for.

The affidavit that is stated to have been submitted by respondent No.4 before the official respondents at the stage of seeking compassionate appointment is not on record. Counsel was put a specific query during the course of arguments as to whether there was any requirement under the policy/guidelines governing compassionate appointment of filing of such an affidavit. No concrete response is forthcoming. Even the policy regulating compassionate appointment and under which respondent No.4 had been so appointment, has not been placed on record and neither has been adverted to during the course of arguments.

In view of the above, the prayer made in the instant petition cannot be accepted.

Writ petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

July 12, 2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No