

Sr. No.201

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

CWP No.14913 of 2001 (O&M)

Date of Decision: 03.10.2019

Surinder Kumar

... Petitioner

Versus

Central Bank of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Vivek Suri, Advocate,
for the petitioner.

Mr. H.S.Bhatia, Advocate,
for the respondents-CBI.

ARUN MONGA, J.

Inter alia, issuance of a writ in the nature of certiorari has been sought seeking to quash an order dated 14.07.1999 passed by the respondent-Bank whereby the application of the petitioner requesting for a job on compassionate grounds on account of his father having died in harness was rejected.

2. In the return filed on behalf of the respondent-Bank, the impugned order has been justified on the ground that the very purpose of compassionate appointment is to alleviate the immediate financial hardship of the family of the deceased employee, who dies in harness all of a sudden. It is stated that since the petitioner was not an indigent person and, therefore, he was not entitled for any compassionate appointment.

3. I have heard the rival contentions and have gone

through the pleadings along with the record appended thereto and I am of the view that no interference is called for in the extraordinary writ jurisdiction vested under Article 226 of the Constitution of India.

4. It is a settled position that compassionate appointment is not a reservation and cannot be treated as an alternative mode of recruitment so as to avoid the competition and bypass the selection on the basis of merits. The same is in the nature of ameliorating relief depending upon the financial condition/indigency of the family of the dependents of the deceased.

5. The employment, therefore, cannot be claimed as a matter of right on the ground of compassion as the policy does not bestow any fundamental or statutory enforceable right upon the next of the kin of a deceased employee.

6. Even otherwise, to the pointed stand of the respondents taken in the written statement that the petitioner and his mother were/are not suffering from any indigency so as to be entitled for appointment on compassionate grounds, has not been controverted since no replication has been filed.

7. On the other hand, writ petition was filed in the year, 2001 and at this stage, after a lapse of 18 years, it is hard to believe that the petitioner/his mother would still be leading a life of penury as in all likelihood the petitioner would have moved on to greener pastures and availed of alternative avenues of livelihood.

8. By sheer efflux of time, therefore, the very ground i.e.

the amelioration of immediate hardship does not survive, at this stage so as to entitle the petitioner to be recruited on compassionate grounds.

9. In view of the aforesaid discussion and reasons contained therein, the writ petition is dismissed.

03.10.2019
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No