

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

CWP-13838-2019 (O & M)

Date of decision: 23.05.2019

Sudesh Kumar

.... Petitioner(s)

V/s

State of Punjab and anr.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Bajaj, Advocate, for the petitioner.

Rajan Gupta, J. (Oral)

Petitioner's brother namely Radhe Sham (since deceased) was enlisted as SPO on 01.10.1992. As per the stand taken in the petition, he was selected for absorption as Constable vide order dated 09.08.2004. While his case was pending, he unfortunately died on 07.11.2009 due to sudden heart attack while in service. It is claimed that Recruitment Board considered the name of the brother of the petitioner in the year 2010 and approved it for absorption as Constable.

It appears that in the year 2010, petitioner had applied for appointment on compassionate grounds on the plea that his brother had died in harness. His prayer has been rejected by the authority stating that brother of the petitioner was not a regular employee. It has been urged before the court that proceedings of the Board would show that it had sought to absorb the brother of the petitioner as regular employee after his death.

I am not convinced with the plea. On the date of application, the deceased was not a regular employee. Besides, there are no instructions

on record to show that 'brother' of a deceased employee is entitled for appointment on compassionate grounds. Law is well settled that compassionate appointment is merely a concession and not a right. It is granted to enable the family to tide over the immediate financial crisis with which it faces on the death of only earning member of the family. No such ground is forthcoming. Besides, petitioner is stated to be more than 35 years old. Petition is without any merit and is hereby dismissed.

May 23, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No