

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

**LPA No.1139 of 2019**

**Date of Decision :31.05.2019**

**Surjiv Kumari**

**.....Appellant**

**Versus**

**State of Punjab and others**

**..... Respondents**

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

Present : Mr. H.C.Arora, Advocate for the appellant.

**KRISHNA MURARI, CHIEF JUSTICE (Oral):**

This *intra court* appeal, under clause X of the Letters Patent, is directed against the judgment and order dated 3.5.2019, dismissing the writ petition filed by the appellant claiming compassionate appointment in a Society on the ground that there is no provision or rule in the Society governing the service condition for compassionate appointment to be given to the member of a deceased employee. Learned Single Judge dismissed the writ petition on the said ground.

Learned counsel for the appellant vehemently contends that since the Punjab Civil Service Rules have been made applicable to the Society and it is funded and controlled by the State Government, it ought to follow the same policy for compassionate appointment as well which is applicable in respect of the employees of the State of Punjab. We are afraid that the argument is totally misconceived. The Society is a separate entity and only such provisions of the Punjab Government would be applicable to the employees which are adopted by the Society. Admittedly, there is no

dispute about the fact that the rules in respect of the compassionate appointment framed by the Punjab Government for its employees have not been adopted by the Society, hence, they would not stand attracted in the case of the Society.

Learned counsel for the petitioner further placing reliance upon a judgment of this Court in the case of **Sukhwinder Singh Vs. State of Punjab and another**) CWP No.19589 of 2012, decided on 26.03.2013, urged that the issue should be tested on the anvil of Article 14 of the Constitution of India. Without there being any dispute to the proposition, the same is not at all applicable and attracted in the facts and circumstances of the present case, inasmuch, as employees of the Society and employees of the State Government form two separate classes, and thus, discrimination in respect of two different classes cannot be urged. Thus, the argument is totally misconceived.

In view of the aforesaid facts and discussion, we do not find any infirmity in the view taken by the learned Single Judge in dismissing the writ petition, the appeal being devoid of merit and accordingly stands dismissed.

**(KRISHNA MURARI)**  
**CHIEF JUSTICE**

**(ARUN PALLI)**  
**JUDGE**

31.05.2019

*Manoj Bhutani*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |