

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

CWP No.16610 of 2019 (O&M)

Date of decision:-01.07.2019

Smt. Surjit Kaur

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. S.L. Chander Shekhar, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Surjit Kaur, aged 65 years has filed the instant petition seeking a mandamus for directing the respondent authorities to appoint her son Jagbir Singh @ Jasbir Singh on compassionate basis on the ground that her husband Santokh Singh suffered injuries at the hands of terrorists in an incident which took place on the night of 05.03.1988 and succumbed to the same on 06.03.1990.

Counsel would argue that son of the petitioner is vested with the right to be considered for compassionate appointment against any Class-III and Class-IV post under the policy/instructions issued by the State Government dated 24.04.1986 (Annexure P-6) and 05.02.1996 at Annexure P-8.

Further contended that the petitioner being widow of late Santokh Singh had earlier approached this Court in terms of filing CWP No.1557 of 2014 wherein her claim for releasing of ex-gratia financial

assistance had been examined and was allowed vide judgment dated 08.09.2016 at Annexure P-5. Counsel urges that a perusal of the judgment at Annexure P-5 would itself reveal that her husband Santokh Singh was a victim of terrorists' violence and during his lifetime had even been given bravery award of Rs.10,000/- on 16.06.1988 by the Deputy Commissioner, Amritsar and he has been helping the State Agencies to curb the menace of terrorism. The precise contention raised is that Santokh Singh having been accepted as a victim of terrorist violence, son of the petitioner ought to be appointed on compassionate basis on any Class-III/Class-IV post.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that the prayer in the petition cannot be accepted.

It is by now well settled that compassionate appointment is not a right but is a concession. It is an exception to the normal scheme of appointment as envisaged under Articles 14 and 16 of the Constitution of India, whereby a regular procedure of posts being advertised, criteria/eligibility conditions being stipulated and all eligible candidates being given a chance to compete is envisaged. Compassionate appointment cannot be seen as a mode of recruitment.

The undisputed factual premise in the present case is that Santokh Singh had died in the year 1990. Son of the petitioner for which the prayer for compassionate appointment has been raised in the instant petition is stated to be 32 years old. Counsel concedes that the first point of time when a prayer seeking compassionate appointment was raised by the petitioner was vide application dated 07.01.2019 at Annexure P-12. It is also conceded that prior thereto the son in his own capacity had not

approached the respondent authorities seeking compassionate appointment.

The whole objective of grant of compassionate appointment is to mitigate the sudden financial crises that has fallen upon the family on account of the death of bread earner. By its very objective, the compassionate appointment, if any, is to be considered in close proximity of the date of death of the bread earner. The prayer by the petitioner seeking compassionate appointment in a writ petition instituted in the year 2019 in relation to the death of Santokh Singh that had occurred in the year 1990 cannot be entertained.

In view of the discussion hereinabove, the prayer in the instant petition is found bereft of merit as also highly belated.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

01.07.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No