

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

CWP-10422-2015 (O&M)
Date of decision : 10.09.2019

Hardeep Kaur

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Mohit Kumar, Advocate,
for Mr. Vikas Arora, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

JITENDRA CHAUHAN, J. (Oral)

Prayer in the instant petition is for quashing of order dated 19.08.2014 (Annexure P-1), passed by respondent No.3, whereby, the claim of the petitioner for appointment on compassionate grounds has been rejected.

It is contended that mother of the petitioner served as as a regular Anganwari worker for more than 14 years with respondent No.3 and died in harness on 23.07.2014. The petitioner, thus, represented to the respondents for grant of appointment on compassionate grounds. However, the claim of the petitioner was rejected on flimsy grounds, i.e., the petitioner was not dependent upon her deceased-mother and she had been residing in some other village after her marriage.

Learned counsel contends that the claim of the petitioner has been rejected on unfounded grounds inasmuch as it is a settled principle of law that a married daughter cannot be discriminated against in the matter of

grant of compassionate appointments. Furthermore, the petitioner, though married, had been and is residing in her parental village as is evident from the ration card (Annexure P-3).

On the other hand, learned State counsel submits that as per the guidelines, only the dependants of the deceased workers are eligible to get the job on compassionate grounds. Furthermore, it is mandatory that the applicant must be the resident of the village. The petitioner was neither dependant upon the deceased, nor had been residing in the village.

Heard.

The Directorate of Women and Child Development, Punjab had issued guidelines dated 19.11.2012 (Annexure R-3), with regard to giving preference on compassionate grounds after the death of the Anganwari worker/helper to her dependant on the basis of qualification, relevant portion whereof, reads thus:-

“In under reference letter after the death of the Anganwari worker and helper, mentioned wife/wives of the son/sons in the dependant certificate issued by the concerned Deputy Commissioner be given preference on the following grounds mentioned below:-

- 1. Fulfil the qualifications / all instructions of the recruitment of Anganwari worker/helpers.*
- 2. Preference is given to the unmarried daughter/daughters of the deceased. If the daughter-in-law of the deceased has more qualification than the daughter/daughters in that case preference be given to the daughter in law of the son mentioned in the dependant certificate issued by the concerned Deputy Commissioner.*
- 3. At the time of applying for the post of Anganwari*

worker/helpers, the applicant must file No objection certificate be also submitted by the applicant.”

Thus, as per the guidelines, only the unmarried daughter(s)/daughter(s)-in-law (wife of a dependant son) are eligible to be considered for appointment on compassionate grounds on the demise of an Anganwari worker/helper. Further condition is that the candidate must be resident of the same village where the post has fallen vacant. However, neither the petitioner was dependant upon the deceased, nor she has been a resident of Village Samirowal as the petitioner is married to Sukhwinder Singh resident of Village Kalma, Tehsil Anandpur Sahib, Distt. Rupnagar. The petitioner has annexed a copy of the ration card (Annexure P-3), wherein, she and her husband figure at serial Nos.3 and 4 to show that they had been residing at Village Samirowal. However, the name of the petitioner's husband finds mention at Sr. No.455 in the voter list of village Kalma. From the perusal of case file, it is discernible that the death of mother of the petitioner took place on 23.07.2014, whereas, the date of issuance of the ration card (Annexure R-1) is 12.07.2014 which date does not appear on the copy annexed by learned counsel for the petitioner as Annexure P-3. It appears that the ration card in question was obtained/managed just to create a record showing the petitioner a resident of Village Samirowal. Be that as it may, there is nothing on record to show that the petitioner was dependant upon her deceased mother.

Furthermore, it has also come on record that one Baljit Kaur being daughter-in-law of the deceased, resident of Village Samirowal,

applied for her adjustment on 01.08.2014 against the post vacated on account of death of mother of the petitioner. Said Baljit Kaur joined the said post on 04.08.2014, i.e. prior to the application moved by the petitioner for the said post on 13.08.2014.

In this view of the matter, this Court does not find any illegality or perversity committed by the authorities in rejecting the claim of the petitioner.

Dismissed.

10.09.2019

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**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No