

Sr. No.205

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

CWP No.23002 of 2012 (O&M)

Date of Decision: 26.08.2019

Manjinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. P.P.S.Tung, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Bhupesh Dogra, Advocate
for the respondents-PSPCL.

ARUN MONGA, J.(ORAL)

Petitioner, *inter alia*, seeks issuance of mandamus directing the respondents to give him a job on compassionate ground as per scheme prevailing at the relevant time by deciding his representation dated 22.07.2012 (Annexure P-4).

2. Admitted facts of the case are that the father Avtar Singh of the petitioner died in harness on on 27.08.2002 while he was serving as JE in Punjab State Electricity Board. As per the scheme prevailing at that time, the petitioner applied for compassionate appointment. But till today appointment has not been offered to the petitioner. The petitioner is a matriculate of year 1994 from Punjab School Education Board.

3. Petitioner and his mother submitted various

applications from time to time. Petitioner was finally appointed as part time Post Runner vide letter dated 09.12.2010 (Annexure P-5) at monthly salary of Rs.1,921/- in the year 2010. As per the scheme prevailing at that time, mother of the petitioner submitted yet another representation dated 22.07.2012 (Annexure P-4) for the regular appointment of the petitioner on compassionate grounds.

4. Respondent Board in its return opposes the petitioner's claim on the ground that Board meeting held on 16.08.2004 it was decided to discontinue the policy of providing compassionate appointment to the dependents of the deceased employees. Erstwhile Board of PSEB adopted its own alternate policy dated 23.11.2004 (Annexure R-1) which provided for grant of lump sum compensation i.e. Solatium.

5. Petitioner was accordingly granted a lump sum compensation of Rs.3 lacs vide cheque No.574610 dated 28.04.2005 (Annexure R-3). But the petitioner returned the cheque vide letter dated 24.06.2005 (Annexure R-4).

6. The petitioner on the other hand placed on record an appointment letter dated 17.08.2004 (Annexure P-6) of one Ravinder Singh whose father Sh. Shiv Rattan, cashier died on 17.07.2003 and he was given regular job on compassionate ground. Whereas, petitioner is working as part time Post Runner. There is no provision of part time job as per the Policy of providing job on compassionate ground, contends the learned counsel for the petitioner.

7. Having heard the learned counsel for the petitioner and

having perused the pleadings on record, writ petition is disposed of with a direction to the respondents to consider the case of the petitioner on parity with Ravinder Singh whose father also died in harness in the year, 2003. Concededly, Ravinder Singh was granted the appointment on compassionate basis commensurate with his qualifications by disregarding the Compassionate Appointments-2002 Policy dated 23.11.2004 (Annexure R-1) particularly Para 8 thereof, which states that same is applicable retrospectively. But qua petitioner the relevant policy has to be the one when his father died.

8. Respondents are directed to consider the case of the petitioner in terms of the applicable policy at the time when petitioner's father died in harness.

9. Disposed of in above terms.

26.08.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No