

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 221

Civil Writ Petition No.20741 of 2015
Date of Decision: *December 03, 2019*

Het Ram

..... PETITIONER(S)

VERSUS

Union of India & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE JASWANT SINGH**
 HON'BLE MR. JUSTICE SANT PARKASH

PRESENT: - Mr. Jagdeep Jaswal, Advocate, for the petitioner.

Mr. P.C. Goyal, Advocate, for respondent Nos.1 to 3.

Sant Parkash, J (Oral)

The present petition has been preferred by the petitioner under Article 226/227 of the Constitution of India, for issuance of a writ in the nature of certiorari, quashing order dated 15.05.2015 (Annexure P-3) whereby respondent No.4 – Central Administrative Tribunal has dismissed the OA filed by him seeking quashing/setting aside of order dated 09.05.2014 and 13.05.2014. Further prayer has been made for issuance of a writ in the nature of mandamus, directing the officials respondents to grant compassionate appointment to the petitioner.

Case of the petitioner is that on account of death of his father in harness on 24.12.2009, petitioner made a claim for appointment on compassionate basis. The petitioner made a representation in the department to consider his case for appointment on compassionate grounds which was rejected vide order dated 06.08.2011 on the ground that there are other

eligible and deserving candidates, and secondly, the family of deceased have already received ₹ 5,70,000/- as terminal benefits. The petitioner challenged the aforesaid order vide OA No.151/PB/2013 which was allowed vide order dated 28.05.2011. Thereafter, the case of the petitioner was considered again, but was rejected vide order dated 09.05.2014 and 13.05.2014. Hence, the present writ petition.

Heard.

Admittedly, father of the petitioner died while in service on 24.12.2009. The petitioner filed representation seeking appointment on compassionate grounds which was rejected vide order dated 06.08.2011. The petitioner challenged order dated 06.08.2011 by filing OA, which was allowed vide order dated 28.05.2011 directing the respondents to consider the case of the petitioner afresh. Thereafter, his case was considered again and rejected vide orders dated 09.05.2014 and 13.05.2014. Accordingly, the petitioner approached the Central Administrative Tribunal, Chandigarh Bench by filing Original Application which was contested by the respondents by filing written statement, stating that quota prescribed for appointments on compassionate grounds is only 5% of the total direct recruit vacancies occurring in the year in Group C and D posts, but the case of the petitioner could not be recommended as other applicants got more marks. In the year 2010-11, there were 6 vacancies while 108 persons had applied for appointment on compassionate grounds and rank of petitioner was 55. In the year 2011-12, petitioner ranked 55 as against 124 applicant, and in the year 2012-13, against 8 vacancies, out of 57 applicants, petitioner ranked 18th. It was stated that vide policy dated 15.10.2012, the kith/kin of deceased government employee can apply for compassionate appointment upto 05

years from the date of death of government servant and his application has to be considered for 3 years i.e.. three times when vacancies are available.

In this view of the matter, case of the petitioner has been considered three times by the Board of officers. Since the number of vacancies was limited and there were many applicants in far more difficult circumstances than the petitioner, case of the petitioner for appointment on compassionate grounds could not be recommended, also in view of the fact that claim for such appointment cannot be kept open indefinitely. The Tribunal rightly considered the fact that petitioner's father died in 2009 and since then the family sustained itself and in view of the limited number of vacancies, the respondents could not grant any relief to the applicant.

From the material available on record, we are of the considered opinion that adequate consideration has been afforded to the claim of the petitioner for appointment on compassionate grounds. Since the appointment can only be made against available vacancies and petitioner's claim could not to be recommended in the years 2010-11, 2011-12 and 2012-13, for the afore-stated reasons, his case has rightly been closed by the respondents.

Finding no merit in the instant petition, the same is hereby dismissed.

(Jaswant Singh)
Judge

(Sant Parkash)
Judge

December 03, 2019
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No