

Sr. No. 211

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

**CWP No.6944 of 2015 (O&M)
Date of Decision: 02.04.2019**

Priyanka Sharma

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. S.S.Brar, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

ARUN MONGA, J.(ORAL)

The lead argument of the learned counsel for the respondents is that, the petitioner did not suffer from any financial hardship so as to deserve appointment on compassionate grounds. He states that the same is borne out from the facts that father of the petitioner died on 17.02.2012, though in harness, but the mother of the petitioner subsequently took voluntary retirement on 31.03.2012, while serving as 'Senior Assistant'.

2. Per contra, learned counsel for the petitioner submits that the said assertion of the respondents is factually incorrect as the petitioner's mother never sought any voluntary retirement. She had, in fact, superannuated on 31.03.2012, about a month after the death of her husband on attaining the age of 58 years. He submits that the petitioner lives separately from her mother and for financial survival is giving tuitions to the students as she is B.Tech and M.B.A.

3. Be that as it may, a perusal of the impugned order reflects

that the same is not passed on the same reasoning, as stated in the reply to the present writ petition. It is, for the first time, plea of absence of financial hardship has been taken before this Court, whereas order speaks otherwise.

4. Order dated 19.07.2016, vide which the petitioner herein was declined, simply states that since she has filed a case against the Corporation before this Court, the decision/action on her application will be taken as per this Court orders.

5. Such a stand taken by the Corporation does not stand judicial scrutiny and is not tenable. Nothing precluded the Corporation to take a decision on the application of the petitioner this way or that way, in accordance with the Policy dated 21.11.2002 of the State Government, formulated for compassionate appointment, as applicable to the Corporation.

6. The present writ petition is disposed of with a direction to the respondents to pass an order on merits on the application of the petitioner seeking compassionate appointment by keeping in view the relevant Policy dated 21.11.2002 and/or any other relevant Policy that was, in vogue, at the relevant time, when the petitioner's father died in harness.

7. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

8. Disposed of.

(ARUN MONGA)
JUDGE

02.04.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No