

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

CWP No. 22513 of 2019 (O&M)

Date of decision:-05.11.2019

Jagpreet Singh

.....Petitioner

versus

Punjab State Power Corporation Limited and others

.....Respondents

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

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks a mandamus for directing the Punjab State Power Corporation Limited to consider his claim and to appoint him on a suitable post on compassionate basis.

The precise case projected on behalf of the petitioner is that his father who was serving on the post of Lineman died in harness on 18.09.2009.

Counsel argues that in relation to the date of death, the policy of the Corporation that was in vogue only admitted a lumpsum ex-gratia amount and not compassionate appointment. However, subsequently there has been a change of policy and now the Corporation is granting benefit of compassionate appointment. It is argued that on account of change of policy, the petitioner is also vested with the right to be appointed on compassionate basis.

Having heard counsel for the petitioner at length, this Court is of

the considered view that there is no merit in the instant writ petition and the same deserves to be dismissed.

Father of the petitioner died in the year 2009. It is the pleaded case of the petitioner himself that he first applied for appointment on compassionate basis on 01.05.2019. It is by now well settled that compassionate appointment is not a mode of recruitment. It is a mere concessions and an exception to the normal modes of recruitment. The entire objective of grant of compassionate appointment is to come to the rescue of a family which is in a state of abject penury on account of loss of bread winner in harness. By its very nature a claim for compassionate appointment has to be raised in close proximity to the date of death. In the present case an application seeking compassionate appointment has been moved by the petitioner after a decade of the death of his father. This in itself would be sufficient to deny the prayer raised in the petition.

In matters of compassionate appointment, the relevant date would be the date of demise of the bread winner. Father of the petitioner expired on 18.09.2009. Counsel concedes that as on that date the policy that was in vogue admitted only an ex-gratia allowance/amount and not compassionate appointment. A subsequent change/modification in the policy cannot enure to the benefit of the petitioner. It is so observed because a subsequent change of policy has not taken away from the petitioner any vested right.

In view of the above, no merit is found in the claim raised in the petition.

Writ petition is dismissed.

It is however observed that as per the documents appended

alongwith the petition, mother of the petitioner as also the petitioner have been called upon to furnish certain documents so as to examine the claim for grant of ex-gratia compassionate assistance.

It will be open for the petitioner to pursue such claim if so advised.

(TEJINDER SINGH DHINDSA)
JUDGE

05.11.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No