

Sr. No.219

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

CWP No.5175 of 2018 (O&M)

Date of Decision: 17.12.2019

Bhupinder Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. N.K.Vadhera, Advocate,
for the petitioner.

Mr. Mehardeep Singh, Additional A.G., Punjab.

ARUN MONGA, J.(ORAL)

1. The grievance of the petitioner is that his claim to seek appointment on compassionate grounds in terms of the applicable policy of the State has been given short shrift vide impugned order dated 12.02.2018 (Annexure P-5), on the only ground that the dependent of an employee cannot be given compassionate appointment if the death has taken place during the extension in service. Learned counsel for the petitioner relies on the State Policy dated 27.12.2016 (Annexure P-2) and contends that the impugned order is in complete violation of the same. The said Policy dated 27.12.2016 was later on withdrawn and was taken back vide instructions dated 29.03.2017 (Annexure P-3) w.e.f. 29.03.2017 and the death of the father of the petitioner took place on 22.01.2016, i.e., prior to the same.

2. Notice of motion.

3. On advance service of copy of the petition,

Mr. Mehardeep Singh, Additional A.G., Punjab appears and accepts notice on behalf of the respondents and has rendered his assistance.

4. Having heard the learned counsel for the petitioner as also the learned counsel representing the State, I am of the view that no reply is required in the present case as the short controversy is whether the impugned order is in consonance with the State Policy dated 27.12.2016 *ibid*. For ready reference, the relevant clause of the policy as relied upon by the learned counsel for the petitioner is reproduced below:-

“Now the Govt. has decided to give employment compassionate appointment to those employees/officers of the State Govt. who in pursuance of the above mentioned instructions has been given extension from 58 to 60 years (Group A, B and C) and 60 to 62 years in case of Group-D employees and if the employee dies sudden death during the period of extension in service then the dependents of the employee will be given employment on the basis of compassionate appointment. These instructions will be implemented from 08.10.2012.”

5. A perusal of the above leaves no manner of doubt that the benefit of appointment on compassionate ground is to be accorded to even those employees who have been given extension from 58 to 60 years (Group A, B and C) and also to the employees who have been given extension from 60 to 62 years serving in Group-D.

6. The perusal of the record shows that concededly the father of the petitioner was serving as Inspector at the time of his

death on 22.01.2016. The aforesaid policy relied upon by the learned counsel for the petitioner clearly states that the same has to be implemented w.e.f. 08.10.2012. This policy held the field till its withdrawal on 29.03.2017. In the aforesaid premise, the impugned order dated 12.02.2018 (Annexure P-5) seems to have been passed by overlooking the said Policy. The same is accordingly set aside being not sustainable in law.

7. The writ petition is disposed of with a direction to the respondents to pass fresh appropriate order by according the benefit of the Policy/ Instructions dated 27.12.2016 (Annexure P-2) to the petitioner, in accordance with law.

8. Let the needful be done within three months from the date of receipt of certified copy of the order.

17.12.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No