

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

**CWP-25946-2019(O&M)
DECIDED ON: 16.11.2019**

Som Singh

.. Petitioner

Versus

State of Punjab & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rahul Dev Singh, Advocate
for the petitioner.

ARUN MONGA, J. (ORAL)

1. This is the third round of litigation, where the petitioner has approached this Court seeking appointment on compassionate basis on account of death of his mother, who died in harness on 01.01.2016 while serving as *Beldar* in the respondent Department.

2. After the death of his mother, the petitioner applied for compassionate appointment. When no heed was paid to his request, he filed CWP No. 24873 of 2017, which was disposed of on 04.12.2017 with a direction to the respondents to proceed with the matter in accordance with law and to take final decision on application dated 22.08.2016 of the petitioner.

3. Alleging non-compliance of orders of this Court dated 04.12.2017, the petitioner filed COCP No. 2722 of 2018, which was disposed of as in the meanwhile, respondents passed impugned order dated 08.10.2018 and rejected the request of the petitioner. Hence, this writ petition impugning the order dated 08.10.2018.

4. I have heard learned counsel for the petitioner and have gone through the pleadings along with the record appended thereto. I am of the view that no interference is called for in the extraordinary writ jurisdiction

5. It is a settled position in law that compassionate appointment is neither an alternative mode of recruitment nor a reservation. The very nature of it is summed up in one word “compassionate”. Compassion only where a case of financial hardship is made out to ameliorate immediate penury of the family.

6. On a query posed by the Court, learned counsel for the petitioner submits that as per his information, the petitioner is married and also has children.

7. I am unable to persuade myself as to how the petitioner can claim himself to be a dependent of his widowed mother when he seems to be well settled in life having got married and also children born out of the wedlock. Therefore, it is irrelevant whether the competent authority has the power to relax the upper age by 1 year 04 months and 20 days, since the petitioner at the relevant time of applying for compassionate appointment was 38 years 04 months and 20 days as against the prescribed upper age limit of 37 years.

8. In the premise, writ petition is dismissed.

(ARUN MONGA)
JUDGE

16.11.2019

Jiten

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No