

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

LPA No.937 of 2016 (O&M)
Decided on : 21.02.2019

Ram Baksh

..... Appellant

Versus

State of Punjab and ors.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. V.K.Sandhir, Advocate
for the appellant.

Mr. Pankaj Gupta, Addl. AG, Punjab.

Manjari Nehru Kaul, J.

The appellant is aggrieved of the judgment dated 26.04.2016 passed by learned Single Judge.

2. The father of the appellant namely Sh. Kalika Parsad, who was employed with respondent No.3 as Sewadar on regular basis, unfortunately died on 07.12.2010 leaving behind his widow, two sons including the appellant and one daughter. In terms of the then existing policy on compassionate appointment, the appellant's mother namely Pushpa Rani was ordered to be appointed as Sewadar vide order dated 22.04.2015, who instead recommended the name of the appellant for compassionate appointment. The appellant approached this Court by way of CWP No.2701 of 2016 with a prayer for compassionate appointment as his mother Pushpa Rani was afflicted with old age ailments and was thus, not fit to perform the duties of Sewadar. As per the appellant, despite repeated representations to

the respondent-department to consider his case for compassionate appointment in place of his mother, nothing had been done in that regard. Learned Single Judge dismissed the said writ petition by observing that in the matter of compassionate appointment, a person, who has been offered the appointment, cannot insist for transferring such benefit to his/her son. The first appointment offered would bring compassion to an end as the purpose would stand served.

3. Learned counsel for the appellant contended that the learned Single Judge did not appreciate that the authorities had been sitting over the representation, which was made by him for consideration of appointment on compassionate ground and at no stage had rejected the claim of the appellant. He further contended that since his mother was afflicted with old age ailments, he was more suitable to be appointed in her place.

4. We have heard learned counsel for the parties and with their assistance perused the material available on record.

5. Learned Single Judge was right in observing that the purpose of compassionate appointment must be considered strictly as per the policy instructions issued by the Government. Needless to say the object of the compassionate appointment is to enable the family to tide over the sudden crisis, which befalls them on the death of the bread earner.

6. In the case in hand, the offer of compassionate appointment had been made to the widow of the deceased employee, who had died in harness. Once such offer had been made to the widow of the employee, the action on the part of the Department was complete. The father of the appellant died in the year 2010 and therefore, the compassionate

appointment if not accepted by the mother of the appellant soon after the death goes a long way to establish that there was no such compelling financial circumstances for them. Moreover, the appellant cannot claim appointment in place of his mother as a hereditary right.

7. The Apex Court in *Umesh Kumar Nagpal vs. State of Haryana, 1994(3) SCT 174* held that the compassionate appointment, which may be offered to a dependent of the deceased employee, is to see the family through the economic calamity and is not a vested right, which can be exercised at any time in future. Moreover, it goes without saying that a claim to transfer the compassionate benefit as prayed for by the appellant would not be maintainable because once the compassionate appointment has been offered, the action on the part of the Department would be complete and as rightly observed by the learned Single Judge would stand denuded once and for all.

8. In view of the discussion made above, no ground for interference is made out in the order passed by learned Single Judge. Accordingly, the appeal is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

21.02.2019
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No