

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-27131-2019 (O&M)
Date of Decision: 23.09.2019

Manoj Kumar

--Petitioner

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Dinesh Mahajan, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks a Mandamus for directing the respondent-P.S.P.C.L to consider his case for appointment on compassionate basis.

Counsel would submit that father of the petitioner namely Kamal Kishore was serving on the post of Sub Station Attendant under the respondent-Corporation and died in harness on 23.5.1994. At that stage, petitioner was a minor. An application was moved by the mother of the petitioner seeking compassionate appointment and in response thereto the Corporation informed the family of the deceased that the claim would be considered as and when the son attains the age of majority. Heavy reliance has been placed upon the document placed on record at Annexure P-2 i.e. issued by the Superintendent Engineer on 12.11.2003 and addressed to the Chief Engineer/Circle Board, Personnel Department, Amritsar stating that Kamal Kishore having died on 25.5.1994, his son has now attained the age of majority and his case for compassionate appointment may now be considered. As per such memo certain documents were also sought.

It is the case projected by counsel that the relevant documents had been furnished in the year 2004 itself and inspite thereof till date the claim for compassionate appointment has not been finalized. It is argued

that the action of the respondent Corporation in having not decided the claim and having sat over the matter is arbitrary and unjust.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no interference in the matter is called for.

It is by now well settled that compassionate appointment is not a right. It is a concession. Compassionate appointment is also not a mode of recruitment. Undoubtedly when the breadwinner had died in the year 1994, the claim of the present petitioner had been kept in abeyance as he was a minor. The cause of action, if any, had arisen to the petitioner in the year 2003 when he attained the age of majority. Certain documents that had been called for, had been furnished in the year 2004 itself. No plausible explanation has been forthcoming from the petitioner to explain the delay of 15 years since 2004 and up to the date of filing of the instant writ petition in the year 2019. Counsel would make an attempt to justify such state of affairs by submitting that repeated representations had been filed. Even if that be the case, the petitioner was expected to take legal recourse within a prudent time frame.

A claim for compassionate appointment by its very nature has to be considered and dealt with in close proximity to the date of death of the Govt. servant who died in harness. In the present case petitioner was a minor as on the date of death of his father i.e. in the year 1993. Under such circumstances the relevant starting point would be taken as 2003 when he had attained the age of majority.

The claim for compassionate appointment being now raised after a lapse of more than 15 years after having attained the age of majority, cannot be entertained.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

23.09.2019

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No