

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

**CWP NO. 29333 OF 2019
DATE OF DECISION : 05.12.2019**

Palka Rani

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. P. S. Khurana, Advocate,
for the petitioner.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

ARUN MONGA, J.(ORAL)

By way of instant petition, the petitioner has sought quashing of order dated 30.12.2016 (Annexure P-1), whereby his application for appointment on compassionate ground has been declined.

2. The petitioner also caused legal notice dated 08.01.2019 (Annexure P-10) followed by a reminder dated 20.03.2019 (Annexure P-11 colly.), but the same has not been adverted to by the respondents. Hence the petition.

3. Notice of motion.

4. On advance service of copy of petition, Ms. Monica Chhibber Sharma, Senior Deputy Advocate General, Punjab has put in appearance on behalf of respondent-State.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. A perusal of the order dated 30.12.2016 (Annexure P-1) reflects that the only reasons assigned to reject the application of petitioner is that there is no provision for giving compassionate appointment. On the face of it, the same seems to be on an erroneous understanding that government instructions contained at Annexure P-12 (colly) issued by the Department of Personnel and Administrative Reforms (Personal Policies-II Branch) are not applicable. There is no exception carved out by the State Government in the instructions, *ibid*, that the same are not applicable to the department of Health and Family Welfare, Punjab, Chandigarh.

7. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority/respondents to objectively consider the legal notice dated 08.01.2019 (Annexure P-10) and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and taking into consideration government instructions contained at Annexure P-12 (colly) and pass a fresh speaking order, in accordance with law.

8. In view of the above, impugned order dated 30.12.2016 (Annexure P-1) is set aside.

- 9. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.
- 10. Disposed of in above terms.

(ARUN MONGA)
JUDGE

DECEMBER 05, 2019
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No