

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

L.P.A. No.1158 of 2016 (O&M)

Date of Decision : 21.02.2019

Rajinder Singh Appellant

VERSUS

The State of Punjab & ors. Respondents

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

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Present: Ms. Sonia G.Singh, Advocate
for the appellant.

Mr. Pankaj Gupta, Addl. A.G. Punjab.

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MANJARI NEHRU KAUL, J.

1. This appeal under Clause X of the Letters Patent is directed against the order of learned Single Judge dated 27.08.2013 whereby C.W.P. No. 16310 of 2010 filed by the petitioner (appellant herein) for appointment on compassionate ground has been dismissed.

2. Briefly, the facts may be noticed. The father of the appellant was working as Beldar on daily wage basis with the Forest Department in the State of Punjab and died on 27.06.2005. The appellant thereafter sought the relief of compassionate appointment in the respondent Department. The case of the appellant was that he was wholly dependent upon his deceased father and there was no other source of income and hence he ought to have been considered for appointment on compassionate basis. The learned Single Judge concluded that the writ petition had been instituted by the appellant after a period of five years from the date of death of his father and that itself would be a valid ground to deny any claim as regards

compassionate appointment.

3. The learned counsel for the appellant contended that the respondents had denied the legal claim of the appellant in an arbitrary manner and in fact the respondent Department had been indulging in a pick and choose policy in matters of compassionate appointment.

4. The learned State counsel on the contrary contended that the father of the appellant had not been appointed either as a temporary or regular employee but had only been engaged on a daily wage basis. He further averred that there was no application on behalf of the appellant available on the office record seeking compassionate appointment which clearly indicated that he had in fact never approached the respondent Department.

5. We have heard learned counsel for the parties.

6. The case of the appellant for appointment on compassionate grounds is bereft of any merit. The sole object of granting compassionate employment to the kin of deceased employee is to enable the family to tide over the sudden financial crisis which befalls them. The compassionate employment cannot thus be granted and claimed after a lapse of reasonable period from the date of death of the deceased employee. It would be relevant to notice that in the case in hand the father of the appellant died in the year 2005 and it was only in the year 2010 that the appellant approached this Court by way of filing a writ petition claiming appointment on compassionate grounds. There is nothing to show much less by way of any documentary evidence that the appellant had ever approached the respondent Department in the intervening period between 2005 i.e. when his father died and the year 2010 when he in fact approached this Court seeking

compassionate appointment. Be that as it may, the sudden and immediate crisis to overcome the economic calamity which the family may have faced soon after the death of the appellant's father could not be said to be subsisting after five years. Needless to say as has also been held by the Supreme Court in ***Umesh Kumar Nagpal v. State of Haryana*** 1994 (3) SCT 174 that consideration for such employment is not a vested right which can be exercised at any time in future.

7. Further, as also submitted by the respondent State, the father of the appellant was working on a daily wage basis and was not a regular employee of the respondent Department. That being the case, there was no right vested with the appellant to seek regular appointment on compassionate grounds with the respondent Department.

8. Even otherwise, no sufficient reason has been spelt out in the applications filed under Section 5 of the Limitation Act, 1963 as well as under Section 151 CPC seeking condonation of delay of 800 days in filing and 152 days in re-filing the Letters Patent Appeal itself.

9. In view of the above, the order dated 27.08.2013 of the learned Single Judge does not warrant any interference. Accordingly, the appeal is dismissed on merits as well as on account of delay.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

21.02.2019
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Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No