

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

**CWP-9857-2019 (O&M)
Date of Decision:02.05.2019**

Lal Bahadur

... Petitioner

Versus

PSPCL & others

... Respondents

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

Present: Mr. M.S. Ballianwali, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Challenge in the instant writ petition is to the memo dated 25.06.2018 (Annexure P-7) to the extent the claim of the petitioner for compassionate employment has been rejected.

Counsel for the petitioner has been heard at length and pleadings on record have been perused.

Brief facts and which are not disputed by counsel are that father of the petitioner who was serving on the post of Peon under the Punjab State Power Corporation Limited died in harness on 21.03.2011.

Basis of rejection of the claim of the petitioner for compassionate appointment is that there is another family member who is serving on a government job. On a specific query having been put, counsel concedes that mother of the petitioner was serving on the post of Sweeper under the Punjab State Power Corporation Limited itself at the relevant point of time.

Needless to observe that the compassionate appointment is not a mode of recruitment. It is a concession to be given in favour of an eligible/

dependant heir upon the loss of the bread earner and where the family is in a state of abject penury.

In the present case concededly mother of the petitioner in relation to the relevant point of time i.e. on 21.03.2011 was serving on a post under the Corporation.

Under such circumstances, present petitioner cannot be construed to be eligible/dependant heir of the deceased employee so as to be entitled to compassionate appointment.

The impugned memo declining the claim for compassionate appointment to the petitioner does not suffer from any patent infirmity or illegality so as to warrant interference.

At this stage, counsel would raise an alternate prayer i.e. for the petitioner to be considered for release of solatium in lieu of compassionate appointment. Even such prayer is being noticed only to be rejected. Counsel has been unable to refer to any Policy framed by the respondent/Corporation where under the petitioner being the son of a deceased employee would be eligible to be released solatium against the factual backdrop whereby on the relevant date i.e. 21.03.2011, his mother was on a permanent job under the Corporation itself.

Petition is dismissed.

02.05.2019*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |