

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

119

CWP-37923-2018

Date of Decision: 31.01.2019

Navdeep Singh

--Petitioner

Versus

Pepsu Road Transport Corporation, Patiala and another

--Respondents

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

Present:- Mr.Jagjit Singh, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA.J.

Petitioner has filed the instant writ petition assailing the order dated 22.06.2018 (Annexure P-8) passed by the General Manager, (Administration) Pepsu Road Transport Corporation, Patiala and in terms of which the prayer of the petitioner for compassionate appointment has been declined.

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

In the considered view of this Court, there is no infirmity in the impugned order dated 22.06.2018 (Annexure P-8).

Such view is being taken in the light of the following uncontroverted factual position:

Father of the petitioner Amrik Singh (since deceased) was serving as a Driver under the Pepsu Road Transport Corporation. He was imposed a major penalty of dismissal from service vide order dated

11.07.2003. Industrial dispute having been raised, the Industrial Tribunal, Patiala vide award dated 22.10.2013 upheld the order of the dismissal. During the pendency of the proceedings before the Industrial Tribunal, Patiala, Amrik Singh died on 02.09.2009. Matter then came to be pursued by the widow namely Smt. Gurmit Kaur. Thereafter, it is Gurmit Kaur who filed CWP No.8644 of 2014 in this Court and the same came to be decided vide judgment dated 08.08.2016 (Annexure P-1). Learned Single Judge took a view that imposition of penalty of dismissal from service upon Amrik Singh were highly disproportionate in the light of having rendered 12 years of service and as such directed the respondent/Corporation to convert the penalty of dismissal to that of compulsory retirement from the date of dismissal.

In other words, Amrik Singh (since deceased) is to be treated as having been compulsory retired from the post of Driver under the PRTC w.e.f. 11.07.2003 that is the date of passing of the order of dismissal.

It is by now well settled that the claim for compassionate appointment may be considered when the bread winner dies in harness. The objective of grant of compassionate appointment is to alleviate and to provide subsistence to the family of the deceased Government employee.

In the instant case, concededly Amrik Singh even by way of operation and implementation of judgment dated 08.08.2016 passed by this Court in CWP No.8644 of 2014 stood compulsory retired w.e.f. 20.07.2003. Amrik Singh died on 02.09.2009.

Under such factual position the claim for compassionate appointment in favour of the son i.e. the present petitioner cannot sustain.

There is no merit in the instant petition and the same is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

31.01.2019
anju

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