

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-33556-2019 (O&M)
Date of Decision: 19.11.2019

Prabhjit Kaur & another

--Petitioners

Versus

State of Punjab & another

--Respondents

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

Present:- Mr. Tahaf Bains, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

Challenge in the instant writ petition is to the order dated 13.11.2017 (Annexure P-8) whereby a request made by petitioner no.1 herein to reserve a post for her son (petitioner no.2) for purposes of appointment on compassionate basis, has been declined.

Brief facts are that husband of petitioner no.1 was serving on the post of Warehouse Manager under the Punjab Warehousing Corporation and died in harness on 7.6.2014. At that point of time petitioner no.2 was a minor aged 10 years. It is under such circumstances that an application/request letter dated 25.2.2015 (Annexure P-6) was submitted by petitioner no.1 to the Managing Director of the Corporation stating therein that she is herself not keeping good health and cannot accept any employment and accordingly a post be reserved for her son Nawab Singh (petitioner no.2) for appointment on compassionate basis as and when he attains the age of majority. It is such request/representation that stands rejected vide impugned order dated 13.11.2017 (Annexure P-8).

Counsel has argued that the competent authority has overlooked memo dated 3.7.2008 issued by the Govt. of Punjab, Department of Personnel at Annexure P-1/A which was issued on the

subject “Scheme for compassionate appointments 2002-Grant of employment in State Services on compassionate grounds-policy regarding”. It is contended that as per such memo dated 3.7.2008 a right had come to vest in the petitioner for one post to be reserved for the minor dependent son so as to be considered for appointment on compassionate basis as and when he/she attains the age of majority.

In the considered view of this Court, the submission advanced by counsel is not well founded.

As per decision taken by the Govt. of Punjab, Department of Personnel at Annexure P-1/A, in a situation where the deceased govt. employee leaves behind a minor child and who is studying at the time of death and is not qualified for employment under the Govt. and even the spouse is not in a position to join the Govt. job, the dependent child has been permitted to apply for compassionate appointment within a period of one year from the date of attaining the age as also educational qualifications for a Group-C or Group-D post.

The memo dated 3.7.2008 (Annexure P-1/A) does not contemplate reservation of post for a minor so as to be considered for appointment on compassionate basis upon attaining the age of majority. The decision at best would vest a right in the minor to apply for appointment on compassionate basis within a period of one year from the date of attaining the age of majority so as to be considered for appointment on compassionate basis.

Under such circumstances, no infirmity is found in the impugned order dated 13.11.2017 (Annexure P-8).

Writ petition is, accordingly, dismissed.

It is, however, clarified that by virtue of the impugned order dated 13.11.2017 (Annexure P-8) it is only a request for reserving a post qua petitioner no.2 that has been declined and not the claim for appointment itself. As and when petitioner no.2 attains the age of majority and subject to his possessing the requisite qualifications for a Group-C or Group-D post, it would be open for him to apply for appointment on compassionate basis within a period of one year from such date and in the eventuality of the petitioner doing so, respondent authorities/competent authority would be obligated to consider the same in accordance with law and such claim at that point of time would not be negated solely on account of passing of the impugned order dated 13.11.2017 (Annexure P-8).

(TEJINDER SINGH DHINDSA)
JUDGE

19.11.2019

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