

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
114**

CWP-3217-2020

Date of decision: 12.02.2020

RAJNI BALA

...PETITIONER

V/S

STATE OF PUNJAB & OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sunny Singla, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the order dated 08.11.2019 (Annexure P-2) passed by the Child Development Project Officer, Shri Anandpur Sahib, District Rupnagar-respondent No. 4, whereby respondent No. 5-Navneet Sharma has been appointed on compassionate grounds as an Anganwadi Worker on the death of her mother-in-law, namely, Saroj Bala, who was working as an Anganwadi Worker.

It is the contention of the learned counsel for the petitioner that the petitioner is working as a Helper in Anganwadi Centre Kotla-2 since her transfer on 29.05.2019. The work and the conduct of the petitioner is satisfactory. Smt. Saroj Bala wife of Sh. Rakesh Kumar and mother-in-law

of respondent No. 5-Navneet Sharma was working as an Anganwadi Worker in Central Kotla-2 and died on 11.09.19 in a road accident. Navneet Sharma-respondent No. 5 has been appointed in her place on compassionate grounds vide impugned order dated 08.11.2019 (Annexure P-2) which, the counsel contends, is in violation of the Instructions regarding recruitment and working of Anganwari Workers and Helpers dated 20.07.2009 (Annexure P-9). Referring to Section (A) of the said Instructions regarding Anganwari Workers, counsel has referred to clause of Reservation, Adjustment and Priorities. With reference to this clause, he contends that there is nothing mentioned in the said clause with regard to granting appointment on compassionate grounds. He submits that because of the appointment of respondent No. 5, petitioner has lost an opportunity of appointment on the post of Anganwari Worker. He further asserts that 25% posts are reserved for promotion of Anganwari Helpers to the post of Anganwari Workers and because of such appointment on compassionate grounds, the right of promotion of the petitioner has been adversely affected. He, therefore, contends that the action of the respondents appointing respondent No. 5 on the post of Anganwari Worker on compassionate grounds is not sustainable.

I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the pleadings and the Instructions, as issued by the Director, Department of Social Security and Development of Women & Children, Punjab, dated 20.07.2009 (Annexure P-9), which deals with the recruitment and working of Anganwari Workers and Helpers under the I.C.D.S. Scheme.

It is correct that as per these Instructions, nothing has been

mentioned with regard to the appointment on compassionate grounds and rightly so, this aspect is not required to be mentioned as for appointment on compassionate grounds, the Instructions are altogether different which have been issued by the Government of Punjab and notified. The appointment on compassionate grounds is, therefore, governed by the said Instructions and not the Instructions, on which the petitioner is placing reliance upon. Petitioner has not challenged the appointment of respondent No. 5 on the ground that the appointment of respondent No. 5 is in violation of the Instructions, as issued by the Government of Punjab, on compassionate grounds.

If that be so, the plea with regard to the loss of chance of promotion and the opportunity to be appointed on the post of Anganwari Worker of the petitioner cannot be said to have been violated in any manner as compassionate appointment is made in the peculiar facts and circumstances and as per the requirement of the Policy Instructions which do not mandate calling for the applications from the other candidates but it is intended to help the family in distress.

The writ petition, as filed by the petitioner, has no merit and, therefore, the same stands dismissed.

February 12, 2020*pj***(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No