

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

**CWP-16125-2020 (O&M)
Date of Decision:05.10.2020**

Gabbar

... Petitioner

Versus

State of Punjab & others

... Respondents

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

Present:- Mr. S.S. Sidhu, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL).

Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks a mandamus for directing the respondent/ authorities to consider his case for appointment of a Class IV post (Sweeper) on compassionate grounds.

The entire case projected on behalf of the petitioner is that his father, namely, Roshan Lal was serving as a Sweeper in the Fazilka Judicial Court Complex and died in harness on 17.01.1997. Thereafter, brother of the petitioner, namely, Vinod Kumar was appointed on compassionate basis. It is submitted that even brother unfortunately expired on 04.03.2016 and as such, under such difficult circumstances, the petitioner ought to be considered for appointment on a Class IV post on compassionate grounds.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that there is no merit in the instant petition and the same merits dismissal.

Admittedly father of the petitioner, who was serving on a Class IV post at the Fazilka Judicial Court Complex died in harness on 17.01.1997. As per the objective of every policy governing compassionate appointments, brother of the petitioner was considered and appointed as Sweeper in Judicial Court Complex Fazilka. It has gone undisputed that brother of the petitioner, namely, Vinod Kumar was dismissed from service vide office order dated 21.09.2006. 10 years later, Vinod Kumar, brother of the petitioner died on 04.03.2016 on account of a cardiac arrest.

Petitioner now seeks compassionate appointment.

It is by now well settled that the objective of compassionate appointment is to mitigate the family of the deceased government employee who has died in harness and whose family is facing a situation of abject financial penury. As per policy governing compassionate appointments, dependant of the deceased government employee is considered for compassionate appointment to help out the family which is in financial distress subject to fulfillment of certain eligibility conditions contained in the policy governing compassionate appointments. It was towards meeting the objective under the compassionate appointment policy that Vinod Kumar i.e. brother of the petitioner was appointed on a Class IV post upon death of his father in harness on 17.01.1997.

Vinod Kumar thereafter was dismissed from service on 21.09.2006 and has subsequently died on 04.03.2016.

Prayer of the petitioner seeking compassionate appointment as raised in the instant petition cannot be accepted for the following two counts:

(i) Even as per pleadings on record, petitioner is stated to be aged about 38 years. By no stretch of imagination can he be considered to be a dependant of his deceased brother. Even taking the case of the petitioner at the higher pedestal and assuming that he is unemployed and was dependant on his brother, still he cannot be considered for appointment on compassionate grounds. The basic eligibility condition is for the deceased to be a government employee and dying in harness and only thereupon a dependant may be considered for compassionate appointment.

(ii) In the admitted facts of the present case, Vinod Kumar, who had been appointed on compassionate grounds on a Class IV post stood dismissed from service w.e.f. 21.09.2006. He thereafter died on 04.03.2016. In other words, on the date of his death, he was not in harness and was not serving as a government employee.

The claim raised in the instant petition is wholly misconceived.

At this stage, it may also be noticed that the claim of the petitioner seeking compassionate appointment stands rejected in terms of order dated 18.02.2020 (Annexure P-3) passed by learned District and Sessions Judge, Ferozepur. Such order also takes into account that brother of the petitioner having been appointed as a Sweeper on 29.04.1997 on compassionate grounds upon death of his father, namely, Roshan Lal had been dismissed from service on 21.09.2006.

This Court does not find any infirmity in the impugned order dated 18.02.2020 (Annexure P-3).

No merit.

Dismissed.

05.10.2020
harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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