

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-20936-2019 (O&M)
Date of Decision: 10.1.2020

Beenu Verma

--Petitioner

Versus

Punjab State Power Corporation Limited & others

--Respondents

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

Present:- Mr. Nikhil Batta, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner seeks a Mandamus directing the respondent-Corporation to consider and appoint him to the post of Upper Division Clerk on compassionate basis.

Pleaded case of the petitioner is that his father was serving under the respondent-Corporation on the post of Junior Engineer and died in harness on 3.4.2013. Application having been submitted seeking appointment on compassionate basis, petitioner was appointed on the post of Lower Division Clerk on 10.9.2014. The prayer to be appointed on the post of Upper Division Clerk on compassionate basis instead of Lower Division Clerk is on the premise that one Sh. Gurpreet Singh, even though, possessing identical qualification i.e. Bachelor of Computer Applications was appointed on the post of Upper Division Clerk. It is argued that the petitioner has been discriminated against and on the ground of parity itself he is to be adjusted against the post of Upper Division Clerk.

Having heard counsel at length and having perused the pleadings on record, this Court is of the considered view that there is no merit in the instant writ petition and the same deserves to be dismissed at the very threshold.

Petitioner having submitted an application seeking appointment on compassionate grounds, was offered the post of Lower Division Clerk and issued appointment letter dated 10.9.2014. A specific query was put to counsel as to whether he joined on the post of Lower Division Clerk under protest or that at the stage of joining in the year 2014 a claim had been put forth to be adjusted on the post of Upper Division Clerk. The clear response is that the petitioner had joined willingly and without any protest.

It is by now well settled that the objective of grant of appointment on compassionate grounds is only to help out the family of the deceased bread winner and who has died in harness and in a situation where the family is in a state of abject poverty and financial penury. Petitioner having unfortunately lost his father while in service, was offered the post of Lower Division Clerk and which he accepted pursuant to appointment letter dated 10.9.2014. The objective of compassionate appointment stood achieved as on that date.

The plea of discrimination raised by counsel is not well founded. Compassionate appointment is not a right. It is only a concession. It is not even a mode of recruitment. For a plea of discrimination to sustain, a vested right would be a prerequisite. Counsel has not adverted to any clause under the relevant policy governing compassionate appointment which would vest in the petitioner a right to be considered on the post of Upper Division Clerk having lost his father in harness and who was serving on the post of Junior Engineer.

For the reasons recorded above, the claim/prayer of the petitioner cannot be accepted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

10.1.2020

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