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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16891 of 2016
Date of decision: 19.02.2020

Rahul Sharma

.....Petitioner

V/s.

State of Punjab and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Animesh Sharma Advocate,
for the petitioner.

Mr. Luvinder Sofat, Assistant Advocate General, Punjab.

Mr. S.S. Khaira, Advocate,
for respondent No.2.

Sanjay Kumar, J. (Oral)

The petitioner is aggrieved by the rejection of his claim for compassionate appointment by Pepsu Road Transport Corporation, Patiala.

The petitioner's father, an employee of Pepsu Road Transport Corporation, died in harness on 10.10.2008. At that point of time, the petitioner was a minor. Shortly thereafter, on 17.12.2008, his mother submitted a representation stating that the petitioner was a minor and requesting the respondent-Corporation to provide him compassionate appointment after he attained the requisite age and qualification. She thereafter made a representation on 21.08.2009 stating that the petitioner

was of the age of majority and eligible for appointment on compassionate grounds. This was followed by representation dated 09.09.2014, made by the petitioner himself, stating that he had acquired B.Tech. qualification and seeking compassionate appointment on the ground that the family was living in poverty. The respondent-Corporation thereupon passed the impugned order dated 11.02.2016, stating as follows:

'.....On the subject cited above in reference to your application dated 07.01.2009, it is being informed to you that your case for appointment on compassionate ground, had been considered by the committee and the same has been consigned to the record, by the Managing Director, PRTC'.

Admittedly, the respondent-Corporation is governed by the modifications made to the scheme for compassionate appointments, *vide* Circular dated 03.07.2008 issued by the Deputy Secretary (Personnel), Department of Personnel, Government of Punjab. This Circular required old cases also to be examined on humanitarian considerations so that compassionate appointment could be given, if found deserving.

This, being the scheme of the welfare measure adopted by the respondent-Corporation, it was not open to it to baldly reject the claim of the petitioner by way of the aforesaid non-speaking order. The least that was expected of the respondent-Corporation was to explain the reasons as to why the petitioner's case was not found to be a deserving one.

Mr. Animesh Sharma, learned counsel for the petitioner, would assert that the petitioner's mother retired from service on 31.05.2008, even before the death of his father, and that there was no earning member in the

family, whereby the respondent-Corporation could have taken that into consideration for rejecting his claim. Significantly, the impugned order does not even shed light on what prevailed over the respondent-Corporation to reject the petitioner's claim. Though the ostensible reasons for such rejection were sought to be supplied by the respondent-Corporation in the written statement filed in this writ petition, it is well settled that the order impugned has to stand on its own and speak for itself. Justification therefor cannot be supplemented thereafter by way of an affidavit. [*See Mohinder Singh Gilland and another v/s. The Chief Election Commissioner, New Delhi, and others (AIR 1978 SC 851)*]. This Court therefore does not deem it proper to even examine the justification offered by the respondent-Corporation in its written statement. Further, it is equally well settled that the principles of natural justice now take within their ambit, the necessity to pass reasoned orders.

The impugned order therefore fails the test on both counts and is accordingly set aside. In consequence, the respondent-Corporation shall reconsider the claim of the petitioner for compassionate appointment, in terms of the norms and the scheme obtaining as on the date of the death of his father, that is, 10.10.2008. The petitioner is permitted to file an affidavit along with supporting material in proof of his claim that his family is in a state of penury, even as on date, and that his case deserves to be considered for compassionate appointment. He shall do so within two weeks from the date of receipt of a copy of this order. The exercise thereafter shall be completely by the respondent-Corporation expeditiously and in any event, not later than four weeks from the date of receipt of the affidavit and

material submitted by the petitioner.

The writ petition is allowed to the extent indicated above.

No order as to costs.

(SANJAY KUMAR)
JUDGE

19.02.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no