

CWP-18961-2016

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

CWP-18961-2016

Date of Decision: 5th February, 2020

Varinder Singh

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Naveen Batra, Advocate,
for the petitioner.

Ms. Anu Pal, DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court claiming appointment on compassionate ground and for the direction to the respondents to release the terminal benefits of Smt.Charan Kaur, who was his maternal grand-mother.

2. The maternal grand-mother of the petitioner, Smt. Charan Kaur, was working as Beldar in the office of the Sub Divisional Engineer, PWD (B&R), Sri Anandpur Sahib, District Rupnagar. She died on 11.03.2011 while in harness. Petitioner claims that he was adopted by Smt. Charan Kaur vide adoption deed dated 10.06.2008. On the basis of this adoption deed, petitioner claimed himself to be the adopted son of Smt.Charan Kaur and therefore, put forth his claim for appointment on compassionate ground. It was asserted that the petitioner, on the basis of a decree passed, has been declared to be a surviving family member of deceased – Smt.Charan Kaur and the said certificate has been issued by the Additional

CWP-18961-2016

Deputy Commissioner, Rupnagar, on 31.08.2015 (Annexure P-1). Prayer has, thus, been made that the petitioner be granted the benefit of the Punjab Government instructions, which entitle him to be considered for appointment on compassionate ground because of the death of his mother, who was biologically his maternal grand-mother.

3. In the reply which has been filed by the respondents, it has been stated that there is no evidence on record, which would indicate that the petitioner has been adopted by Smt. Charan Kaur vide adoption deed dated 10.06.2008 as the same is not a registered document. In the absence of the registered document, petitioner is not entitled to be declared as an adopted son of deceased – Smt. Charan Kaur. The surviving certificate which has been issued to the petitioner (Annexure P-1) also indicates that he was the grand-son of deceased – Smt. Charan Kaur and does not show him to be the adopted son of the deceased. The denial of appointment of the petitioner is, therefore, justified on the basis of these grounds further asserting that as per the scheme of appointment, as notified on 21.11.2002 (Annexure R-1), petitioner would not fall within the definition of dependents of the deceased being grand-son of the deceased employee, thus, dis-entitling him to the benefit of appointment on compassionate ground.

4. I have considered the submissions made by the learned counsel for the parties, who have put forth their claim on the basis of the pleadings but do not find myself in agreement with the petitioner.

5. Firstly, the petitioner is not covered by the instructions issued by the Government of Punjab, dated 21.11.2002 (Annexure R-1) as he being

CWP-18961-2016

the grand-son of deceased - Smt.Charan Kaur, does not fall within the definition of dependent member of the family of the deceased Government employee as detailed in the said instructions.

6. The plea of the petitioner with regard to he being adopted son of deceased – Smt.Charan Kaur cannot be accepted in the light of the adoption dated 10.06.2008 being not registered. Even the certificate of surviving member, dated 31.08.2015 (Annexure P-1), depicts the petitioner to be the grand-son of deceased - Smt.Charan Kaur.

7. In the light of the above, finding no merit in the present writ petition, the same stands dismissed.

5th February, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

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