

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

235

CWP No.15908 of 2018

Date of decision : 04.03.2020

Geeta

... Petitioner

Versus

Punjab Scheduled Castes Land Development
and Finance Corporation, through its
Executive Director.

.. Respondent

CORAM : HON'BLE MR.JUSTICE SANJAY KUMAR

Present : Mr.K.L.Arora, Advocate
for the petitioner.

Mr.Gaurav Tangri, Advocate
for the respondent.

Sanjay Kumar, J. (Oral):

Challenge in this writ petition is to the order dated 18.1.2016 passed by the Punjab Scheduled Castes Land Development and Finance Corporation, through its Executive Director, informing the petitioner that her case for compassionate appointment was considered but the same was not covered by Government instructions. In effect, the petitioner's claim for such employment was turned down by the respondent-corporation.

Perusal of the record reflects that the petitioner's father died in harness on 16.08.2015 and her mother submitted representation dated 02.09.2015 seeking employment of the petitioner on compassionate grounds. Relevant documents were also filed in support of this application. However, the respondent-corporation turned down the request, by way of the impugned order dated 18.1.2016. The said order is unreasoned and does not indicate as to how the petitioner's claim for compassionate appointment

was not covered by the Government instructions, filed as Annexure P-8.

Mr.Gaurav Tangri, learned counsel for the respondent-corporation, would contend that the case of the petitioner was considered in terms of the proposal put up by the District Manager, SAS Nagar, Mohali, on 26.10.2015. Perusal of the said proposal reflects that the District Manager recorded therein, that as per instructions, in death cases, if the spouse of the deceased employee was in Government service, then the legal heirs of such employee could not be given appointment on compassionate grounds. Mr.Gaurav Tangri, learned counsel, fairly concedes that there is no such embargo in the relevant guidelines followed by the respondent-corporation (Annexure P-8). He would however contend that as the petitioner's mother was in service, the petitioner would not be entitled to employment on compassionate grounds.

In terms of the guidelines in Annexure P-8, even if there is any earning member in the family of the deceased employee, it is for the respondent-corporation to examine as to whether the case is a deserving one for considering employment on compassionate grounds. Such consideration would require objective satisfaction of the authority that such compassionate employment is justified, having regard to the number of dependents, the assets and liabilities left by the deceased employee, the income of the earning member as also his liabilities, and as to whether the said earning member is residing with the family members of the deceased employee and whether he would be a source of support to other members of the family.

Mr.K.L.Arora, learned counsel for the petitioner, would place reliance

‘**Kulwant Singh Vs. State of Punjab and others**’. Perusal thereof reflects that in similar circumstances, where there was an earning member in the family of the deceased employee, this Court held that such employment of a family member of the deceased would not be a bar in itself for offering employment on compassionate grounds and that the criteria, in this regard, would be for the concerned authority to satisfy itself with regard to the number of dependents, the assets and liabilities left by the deceased employee, the income of the earning member and also his liabilities, including the fact whether the earning member is residing with the family members of the deceased employee and whether he could be a source of support to the other members of the family. These observations are in keeping with the guidelines applicable to the respondent-corporation.

The cryptic order passed by the respondent-corporation, denying the claim of the petitioner, does not reflect any consideration in terms of the aforesaid guidelines.

The writ petition is accordingly allowed setting aside the impugned order dated 18.01.2016. There shall be a direction to the respondent-corporation to consider the claim of the petitioner afresh in terms of the guidelines contained in Annexure P-8. Upon such consideration, a decision shall be taken, by way of a reasoned order, as to whether the petitioner’s case is a deserving one. This exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a certified copy of this order.

There shall be no order as to costs.

[SANJAY KUMAR]
JUDGE

04.03.2020

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Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No