

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7381-2016 (O&M)
Date of Decision: 24.1.2020

Kuldeep Singh

--Petitioner

Versus

State of Punjab & others

--Respondents

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

Present:- Mr. Rishu Garg, Advocate for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Ms. Promila Nain, Advocate for
respondents no.2 to 4.

TEJINDER SINGH DHINDSA.J (Oral)

CM-18101-2019

Since the main writ petition is fixed for motion hearing today itself, the instant application seeking preponement of the date of hearing is disposed of as infructuous.

Main Petition

Challenge in the instant writ petition is to the order dated 15.3.2016 (Annexure P-10) passed by the respondent Corporation and whereby claim of the petitioner herein to be appointed on compassionate basis, has been declined.

Counsel submits that the petitioner is the adopted son of Leela Singh, who was working on regular basis on the post of Lineman and had died in harness on 24.7.2014. As regards adoption, counsel submits that mother of the petitioner namely Surjit Kaur was married to one Bharpur Singh and from the wedlock two children were born i.e. the present petitioner and one daughter namely Gurpreet Kaur. Upon the demise of the

real father namely Bharpur Singh in the year 1985, a customary ceremony of *Chadarnama* was performed between Surjit Kaur and younger brother of deceased Bharpur Singh i.e. Leela Singh, who was at that point of time also serving in the erstwhile Punjab State Electricity Board. It is contended that under such circumstances petitioner, who was aged 4 years at the relevant point of time would be deemed to have been taken in adoption and to be treated as the adopted son of Leela Singh. Reliance has been placed upon the judgement dated 20.4.2015 passed by the Civil Judge (Jr. Divn.), Barnala in a suit for declaration filed by the petitioner to the effect that he is entitled to inherit the properties and assets left behind by Leela Singh. It has been averred in the petition that such suit was decreed in favour of the petitioner on 20.4.2015 (Annexure P-11) and under such circumstances the rejection of the claim of the petitioner seeking appointment on compassionate basis is patently unjust and unfair. Even the scheme governing employment on compassionate grounds at Annexure P-12 has been adverted to to assert that under the expression “**dependent family member**” not only a son but even the adopted son can apply.

Per contra, counsel representing the Corporation has justified the passing of the impugned order and submits that there is no valid Adoption Deed or any document on the strength of which the Corporation could accept the petitioner as the adopted son of Leela Singh so as to afford consideration for appointment on compassionate basis.

Having heard counsel for the parties at length and having perused the pleadings on record, this Court is of the considered view that no intervention in the matter is warranted.

There is no dispute as regards the factual premise that Leela Singh was an employee of the respondent-Corporation and who had died in harness in the year 2014. Even though, petitioner claims to be the adopted son of Leela Singh by virtue of a *Chadarnama* ceremony having taken place between his mother and Leela Singh in the year 1985, yet, there is no document/material placed on record between the period 1985 to 2014 i.e. the ceremony of *Chadarnama* and the demise of Leela Singh to reflect the petitioner to be adopted son. The Trial Court judgement dated 20.4.2015 (Annexure P-11) would in itself show that the same was a collusive decree in a suit instituted by the petitioner herein and that too after the demise of Leela Singh. Such suit has been instituted on 9.9.2014 as opposed to the demise of Leela Singh on 24.7.2014. The respondent Corporation was not even a party to such suit.

Even otherwise, it is well settled that compassionate appointment is not a right. It is only a concession. It is not even a mode of recruitment. The only objective of compassionate appointment is to help out the family which is in extreme financial distress on account of death of the breadwinner in harness. Against such objective, a claim for compassionate appointment has to be considered in close proximity to the date of death. It would be too late in the day for the claim of the petitioner seeking compassionate appointment to be admitted in relation to the demise of Leela Singh which occurred in the year 2014. Counsel concedes that the petitioner as of date would be 40 years of age approximately.

In view of the discussion herein above, this Court does not find any infirmity in the impugned order dated 15.3.2016 (Annexure P-10) apart from the claim being viewed as highly belated.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

24.1.2020

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No