

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
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CWP-37147-2019

Date of decision: 24.02.2020

SUKHNINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Gagandeep Singh Manku, Advocate,
for Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the rejection of his claim for appointment on compassionate ground because of the fact that the father of the petitioner, namely, Shamsheer Singh, who was working as a Constable in Punjab Police, went missing on 30.01.1999, vide order dated 21.01.2014 (Annexure P-8) because of the delay and especially in the light of the fact that the petitioner, by that time, had become overage and the claim of the petitioner was not covered under the Instructions issued by the Government of Punjab.

2. Petitioner, thereafter, had been pursuing his representations submitted to the respondents for putting forth his claim on the plea that

earlier the application of the petitioner, which was submitted on 22.09.1999 (Annexure P-2), could not be entertained on the pretext that the father of the petitioner would be declared dead after a period of 7 years which period expired in the year 2006 and it is thereafter that the petitioner's claim was required to be considered by the respondents which they failed to do. The representation, which was submitted subsequent to the rejection of his claim, was finally decided by the Government vide order dated 20.08.2019 (Annexure P-11) and thus, the petitioner has approached this Court challenging these two rejection orders.

3. It is the contention of the learned counsel for the petitioner that the petitioner is the eldest son of Shamsher Singh, who was working as a Constable in Punjab Police. He contends that although at the initial stage when the petitioner had submitted his application on 22.09.1999 (Annexure P-2), petitioner was denied the consideration of his application on the pretext that the father of the petitioner had not been declared dead and, therefore, they would wait for 7 years. After the year 2006 also, the petitioner has been pursuing his claim for appointment as Constable on compassionate ground but the same was also decided after an inordinate delay vide order dated 21.01.2014 (Annexure P-8) by the Government which was conveyed to the petitioner through the Director General of Police, Punjab.

4. Petitioner, thereafter, has put forth his claim for appointment on compassionate ground claiming therein the relaxation of the Rules/Instructions keeping in view the fact that the case of the petitioner was deserving and because of the procedural lapse on the part of the respondents, petitioner cannot be made to suffer. The representation, which

was submitted by the petitioner, has been appended along with the writ petition but the same has now been finally decided by the Government of Punjab rejecting the same on 20.08.2019 (Annexure P-11) on the pretext of the earlier applications having been rejected. He, therefore, contends that the claim of the petitioner has not been correctly considered and has simply been rejected on the ground of delay. His contention, therefore, is that the impugned orders, as passed by the Government of Punjab, rejecting the claim of the petitioner for appointment on compassionate ground cannot sustain and deserve to be set aside.

5. I have considered the submissions made by the learned counsel for the petitioner and with his assistance, have gone through the records of the case.

6. The facts, as have been recorded above, when seen in the context of the claim of the petitioner, the explanation, as put forth with regard to the initial 7 years on the part of the respondents waiting for the declaration of the legal death of the father of the petitioner, would explain the said period. The consideration of the claim, as projected by the petitioner, if seen in the context of the order dated 21.01.2014, would indicate that he had applied in the year 2012 which is after a period of 6 years. As per the Instructions, delay of 5 years could be relaxed in deserving cases. His claim was, therefore, rejected on the ground of delay being not covered under the Instructions dated 21.11.2002. This aspect, when seen at the first instance, appears to be not sustainable as far as the rejection of the claim of the petitioner is concerned. However, the subsequent representations, which have been submitted by the petitioner, would not cover the delay which has now occurred in the process of waiting

for a period which is unreasonable when the petitioner has not approached the competent Court for redressal of his grievance. The settled preposition of law is that the repeated representations on the part of the claimant would not cover up the delay in approaching the Court for the redressal of his grievance, if any, especially when the claim of the petitioner had been rejected by the respondents.

7. Nothing has come on record which would indicate that there was any statutory claim or right which entitles the petitioner to file such a subsequent representation which would confer a legal right upon him till the decision is taken. The very purpose, for which the compassionate appointments are made, is to help out the family which has lost his sole breadwinner and was suffering and facing a financial crunch as survival of the family would be dependent thereon. With the passage of time, the said situation and the reason would not sustain. The subsequent rejection of the representation vide order dated 20.08.2019 (Annexure P-11) by the Government of Punjab is reiteration of the earlier order passed by the Government dated 21.01.2014 (Annexure P-8) which finds mention in the said subsequent order.

8. There being inordinate delay on the part of the petitioner in firstly submitting his representation in the year 2012 to the respondents after the expiry of the period of 7 years after the declaration of the legal death of his father who went missing in the year 1999 coupled with the fact that the initial rejection order dated 21.01.2014 (Annexure P-8) has not been challenged by the petitioner earlier and had waited for a long time on the pretext of submitting subsequent representations resulting in the rejection of these representations also with reference to the earlier order dated

21.01.2014 vide order dated 20.08.2019 (Annexure P-11) cannot be faulted with.

9. The impugned orders being in accordance with law as laid down by the Hon'ble Supreme Court in Umesh Kumar Nagpal vs. State of Haryana and others, (1994) 4 SCC 138 and especially when the petitioner had approached this Court after an inordinate lapse of time which is unexplained, the present writ petition does not call for any interference by this Court.

10. The writ petition, therefore, stands dismissed.

February 24, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No