

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

**CWP-8401-2021(O&M)
Date of decision: 19.04.2021**

Soma Rani and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Shakti Mehta, Advocate, for the petitioners

ANIL KSHETARPAL, J. (ORAL)

The petitioners (The widow and son of the deceased) have filed this writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari to quash the order/reply dated 03.12.2020 whereby the claim of the petitioner no.2 for appointment on compassionate ground has been declined.

Some facts are required to be noticed. Late Sh. Ashok Kumar, predecessor in interest of the writ petitioners, was alleged to be employed as Special Police Officer on daily wage basis in the year 1992. He is stated to have expired on 05.08.2003. After a lapse of 12 years, petitioner no.2, allegedly on attaining the age of majority, submitted an application for appointment on compassionate basis. The claim has been rejected on the ground that there is no policy for providing appointment to the dependant of a daily wager on compassionate basis if such person dies during employment.

Learned counsel representing the petitioners submits that the father of the petitioner no.2 was required to be regularized on completion of 10 years of service. He in support thereof relies upon the judgment passed by the Division Bench in **Beant Kaur vs. State of Punjab 2001 (3) RSJ 262.**

This Bench has heard learned counsel for the petitioners and perused the paper book. This writ petition has been filed in the year 2021 i.e approximately 18 years after the death of late Sh. Ashok Kumar. Thus, the petition suffers from unexplained delay and latches. Secondly, the compassionate appointment is given only to provide an immediate support to the family of the deceased employee. The compassionate appointment is a concession which is granted by the authorities in extraordinary circumstances. Such concession can only be claimed in accordance with the rules or the policy instructions, if any. Learned counsel does not dispute that there no policy which may entitle the legal heirs/dependents of the deceased daily wager to seek employment on compassionate basis. Still further, 18 years have elapsed since late Sh. Ashok Kumar died..

Further, the judgment relied upon by the petitioners is in the case of a workman working in Public Health Department. Hence, the judgment relied upon is not applicable. Still further, the Special Police Officers are only recruited on temporary basis, to be called for service as and when required. There is no regular cadre of Special Police Officers.

Keeping in view the aforesaid facts, no ground to issue the

writ as prayed for, is made out.

Hence, dismissed.

19.04.2021

rekha

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)
JUDGE