

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

LPA-568-2021

Date of Decision:-09.07.2021

Mishu Rana

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. L.S. Sidhu, Advocate
for the appellant.

KARAMJIT SINGH, J.

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The appellant has filed this appeal against the order dated
29.4.2021 passed by learned Single Judge in CWP-3228-2021(O&M).

The case of the appellant is that she is married daughter of
Randhir Singh Rana who died on 23.7.2015 while serving as Assistant
Engineer in the respondent-department. The appellant got married in 2011
and just after two years of her marriage, matrimonial dispute arose between

her and her husband and she left the matrimonial house and started living with her parents. The appellant was totally dependent on her father. The appellant who is having degrees in B.A, M.A and M.B.A., applied to get appointment on compassionate ground as she was having no means of livelihood and was totally dependent on her father who died in harness. The Deputy Commissioner, Panchkula issued dependency certificate dated 20.8.2015 (Annexure P-5) as per which the appellant and her mother were the only dependents of deceased-Randhir Singh Rana. However, the claim of the appellant was rejected vide order dated 3.3.2016 (Annexure P-8) without assigning any reason.

The appellant filed writ petition challenging the aforesaid order (Annexure P-8), however, the same was dismissed by the learned Single Judge vide impugned order dated 29.4.2021. Aggrieved by the same, the present appeal has been filed by the appellant.

We have heard the counsel for the appellant.

The counsel for the appellant while assailing order dated 3.3.2016 (Annexure P-8) submitted that the same is non-speaking. The concerned authority failed to give any reason regarding rejection of claim of the appellant for compassionate appointment to the post of Clerk. The learned counsel further submitted that the father of the appellant was working as Assistant Engineer in Punjab Water Resources Management and Development Corporation Limited (in short 'the Corporation') and he died on 23.7.2015, while in service. The learned counsel further contended that the marriage of appellant was performed in 2011 but due to matrimonial

dispute, she started living with her parents and was totally dependent on her father as is clear from dependency certificate (Annexure P-5). She applied to get service on compassionate ground, however, her request was declined vide order Annexure P-8 by the Corporation. Learned counsel further argued that the claim of the appellant for grant of compassionate employment was rejected solely on the ground that at the time of the death of her father, she was married and as per Scheme of 2002 regarding compassionate appointments, the appellant being married daughter was not covered within the definition of 'dependent family member'. The learned counsel further argued that the said reasoning was totally untenable as this Court in **Jai Narain Jakhar vs. State of Haryana and Others, 2012(1) RSJ 430**, held that married daughter of an ex-serviceman is also eligible to get dependency certificate provided she fulfills the other conditions. It is further contended that thereafter this Court in **CWP-2218 of 2017** titled as **Amarjit Kaur vs. State of Punjab and Others** decided on **17.01.2020** while relying upon the dictum in **Jai Narain Jakhar's** case (supra) held that 'dependent family member' also includes married daughter of the deceased employee. The appellant moved this Court by filing CWP-3228-2021 basing her claim for grant of compassionate appointment, on the basis of aforesaid judgments rendered by this Court.

The counsel for the appellant next argued that there is no question of delay as the plea of the appellant is based on the decision dated 17.1.2020 passed by this Court in **Amarjit Kaur's** case (supra). The counsel for the appellant further argued that the learned Single Judge wrongly

observed that in the present case no explanation is coming-forth with regard to delay in filing of the writ petition.

The counsel for the appellant further argued that with the death of Randhir Singh Rana, the breadwinner of the family, the appellant and her mother suffered financial crisis and they were in dire need of financial assistance and accordingly the appellant approached the Corporation to get appointment on compassionate ground. The counsel further contended that it being so there was no need for the appellant to plead specifically regarding her immediate financial needs in the writ petition. The counsel for the appellant at the end submitted that the impugned orders being illegal, deserve to be set aside.

We have considered the contentions raised by the counsel for the appellant.

We are of the view that there is no illegality or perversity in the impugned order passed by the learned Single Judge. Admittedly, the father of the appellant who was working as Assistant Engineer in the Corporation, died on 23.7.2015, while he was in service. On this the appellant approached the Corporation to get compassionate appointment to the post of Clerk but her claim was rejected on 3.3.2016 vide Annexure P-8. From the perusal of Annexure P-7, it appears that her claim was rejected merely on the ground that she was married prior to death of her father and thus was not covered under the Scheme of 2002. Thereafter the appellant remained silent and she challenged the aforesaid order of rejection of her claim through CWP-3228 which was filed on 29.1.2021. So, there was delay of about five

years in filing the writ petition. In these circumstances, the learned Single Judge rightly observed that there is indeed no explanation coming-forth in the writ petition or at the time or arguments to explain the delay on the part of the petitioner (appellant herein). The learned Single Judge aptly referred to **S.S. Balu vs. State of Kerela, 2009(2) SCC 479**, wherein the Hon'ble Apex Court observed as follows:-

“It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment.”

We are of the view that the appellant could not take any benefit of judgment rendered in **Amarjit Kaur's** case (supra) to cover / explain the delay. She slept over the matter for a period of 5 years and then suddenly woke up and filed the writ petition without explaining the long delay in doing so. In the light of the law laid down by the Hon'ble Apex Court in **S.S. Balu's** case (supra), the appellant cannot take any benefit of the judgment passed by this Court in **Amarjit Kaur's** case (supra), to explain delay in filing the writ petition.

It is well settled that compassionate employment is given solely on humanitarian grounds with the sole object to provide succor. Such employment cannot be claimed as a matter of right. The purpose of such employment is to provide immediate relief to the employee's family to tide over the sudden financial crisis as has been held in **Umesh Kumar Nagpal vs. State of Haryana, 1994(4) SCC 138**. Later on the similar view was

taken by the Hon'ble Supreme Court in **Bhawani Prasad Sonkar vs. Union of India & Ors., 2011(4) SCC 209.** In the case in hand the father of appellant died about 6 years back before the filing of the writ petition and as such question of providing immediate financial assistance to a needy family on account of death of the head of the family who was a government employee, has become insignificant with the lapse of time. Admittedly, the appellant is graduate in Arts and thereafter she secured masters in Arts and MBA. In these circumstances, after gap of 5/6 years the aspect of providing succor to the family immediately, does not survive. So, the learned Single Judge rightly observed that a compassionate appointment cannot be claimed when the crisis is over.

Undoubtedly, right of a married daughter to get appointment on compassionate grounds when she is dependent on her father is there as has been held in **Jai Narain Jakhar's** case (supra) and **Amarjit Kaur's** case (supra). At the same time, it is also settled that such right cannot be claimed as a matter of right. So, the learned Single Judge rightly held that no ground is made out to direct the respondent-authorities to reconsider the case of the appellant for appointment on compassionate basis.

In the wake of the above, we do not find any ground to interfere in this appeal. Accordingly, this appeal is hereby dismissed being devoid of merits.

(RAJAN GUPTA)
JUDGE

(KARAMJIT SINGH)
JUDGE

09.07.2021

Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No