

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.14 of 2021 (O&M)
Date of Decision :11.01.2021

Varinder Pal Singh

.....Appellant

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. J.P.S.Sidhu, Advocate for the appellant.

(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court).

Arun Palli, J.:

This is an *intra Court* appeal under Clause-X of the Letters Patent, against judgment and order dated 17.07.2020, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant seeking employment on compassionate grounds has since been dismissed.

The facts that are required to be noticed are limited.

Grand-father of the appellant (ASI Gurdev Singh) was alleged to have been killed in terrorist violence on 06.06.1989. Where upon father of the petitioner (ASI Avtar Singh), in terms of the Government circular No.18/20/78-5PPI/(1994)/2049, dated 5th/8th February, 1988 (Annexure P-12), which envisaged government employment for member of the families of Class I-II Officers killed in terrorist violence, sought employment for his sons namely Varinder Pal Singh (appellant) and Maninder Pal Singh. Accordingly, S.S.P. Faridkot, vide letter dated 02.02.2015, recommended their claim for appointment. And, eventually Maninder Pal Singh (brother of

the appellant) was appointed as Constable in the year 2016. However, the claim of the appellant was rejected vide two separate communications dated 16.07.2018 and 26.10.2018, for, there was neither any policy nor instructions issued by the Government which entitled the grandson of a terrorism affected families to seek employment. Whereafter, in May 2020, the appellant approached this Court vide a writ petition, referred to above, and upon an analysis of the matter in issue, the learned Single Judge concluded:

“(i) The policy of compassionate appointment is a concession granted by the employer to help the remaining family members to tide over immediate difficulties faced by them on account of sudden demise of the employee. Now, a period of more than 31 years has elapsed from the date of death of the petitioner’s grandfather. The writ petitioner at that time, was only three years old. Hence, this Court finds no justification to writ for considering his request for compassionate appointment, particularly when his father was already in the Punjab Police Service at the relevant time.

(ii) The petitioner was never dependent on his grandfather.

(iii) The petitioner’s brother has already been given appointment in the year 2016 on compassionate basis.

Hence, the writ petition is dismissed in limine”

We have heard learned counsel for the appellant and perused the records.

Needless to assert that purport and intent to afford appointments on compassionate grounds, on priority, is to enable family members of the deceased to tide over the immediate crisis they are faced with owing to sudden death of the employee. Whereas, the grandfather of the appellant

(ASI Gurdev Singh) had died more than 31 years ago on 06.06.1989. Further, at the time of his death, the deceased was no longer in service, for he had already retired. Nothing was brought on record either to show if there was any policy or government instructions that entitled even a grandson to seek employment on compassionate grounds, for, his grandfather died in a terrorist action. Even the expression “**members of the family**” defined in the government circular (ibid), upon which the appellant had centered his claim for appointment, does not admit/include grandson for any such benefit. Though, along with other specified categories, the son is included in the term, “**member of the family**” of a deceased for the purpose of employment. However, son of the deceased namely ASI Avtar Singh (father of the appellant) was already in police service at the time of death of his father. And, in any case, brother of the appellant (Maninder Pal Singh) was given employment as Constable being a family member of the terrorism affected families.

The argument that there were certain instances where even two members of the same family were given employment on compassionate grounds would not advance the case of the appellant either, for, the issue is if the appellant had any indefeasible or enforceable right to claim compassionate appointment. Likewise, even the reliance placed upon a decision rendered by this Court in **CWP No.19503 of 2008 (Capt. Janmej Singh Vs. State of Punjab and others)**, is wholly misconceived, for, the said decision has no bearing on the matter being distinctly distinguishable.

Not just that, as indicated by the learned Single Judge, the appellant at the time of death of his grandfather was barely three years old

and was more than 34 years of age at the time of dismissal of the writ petition. Thus, the irresistible presumption that permeates the record is: the petition filed by the appellant as also these proceedings are speculative and lack bona fides.

In the wake of the above, we are dissuaded to interfere with the impugned order and judgment. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

11.01.2021
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No