

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

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**CWP No.23124 of 2021 (O&M)**  
**DATE OF DECISION : 15<sup>th</sup> NOVEMBER, 2021**

**Komal**

**.... Petitioner**

**Versus**

**State of Haryana and others**

**.... Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present : Mr. Kartar Singh Malik-I, Advocate,  
for the petitioner.

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**RAJBIR SEHRAWAT, J. (Oral)**

This is a petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 04.07.2002 passed by respondent No.1, impugned order dated 30.05.2003 passed by respondent No.2 and the impugned order No.6893 passed by respondent No.4, vide which the claim of the petitioner for compassionate appointment has been declined.

Notice of motion.

Mr. Harish Rathee, Deputy Advocate General, Haryana, accepts notice on behalf of the respondents. The counsel for the State has pointed out that the father of the petitioner was selected and appointed on the post of Constable in the year 1995. However, the said selection was challenged by filing a writ petition. Ultimately the selection, through which the father of the petitioner was appointed, was set aside by this

Court. The said decision of this Court has been upheld even by the Hon'ble Supreme Court. Hence, the status of the father of the petitioner is no more of a government employee. Hence, no benefit of compassionate appointment can be granted to the petitioner.

As response to this, the counsel for the petitioner has submitted that when the father of the petitioner expired, he was very much in service, although matter was pending before the Supreme Court. Therefore, subsequent setting aside of the selection could not affect the right of the petitioner to seek compassionate appointment. It is further submitted by the counsel for the petitioner that when the father of the petitioner died, the petitioner was of only one year of age. She attained the age of majority in the year 2017 on attaining the age of 21 years. Hence, she is entitled to appointment on compassionate basis; and also the other benefits.

Having heard the counsel for the parties, this Court does not find any force in the argument raised by the counsel for the petitioner. A perusal of the paper book shows that the father of the petitioner expired on 03.10.1997. The selection, pursuant to which the father of the petitioner had joined the service, was already set aside by this Court on 16.02.1996. The said order of this Court has even been upheld by the Hon'ble Supreme Court subsequently. Hence, it is obvious that the selection was set aside before the date of death of the father of the petitioner. Rather, the order of setting aside the selection shall relate back to the date of appointment of father of the petitioner. Hence, as on the date, when the father of the petitioner expired, the selection, pursuant to which the father of the petitioner had joined the service, already stood set

aside. Hence, the father of the petitioner cannot, anymore, be deemed to be having a statutory status of employee of the State Government.

Moreover, the father of the petitioner expired in the year 1997, whereas, the present petition has been preferred only in the year 2021. The counsel for the petitioner has failed to point out any policy or rule of the government, under which the State is under obligation to keep a post reserved for such a long time only to await the petitioner to attain the age of majority. Even after the attaining the age of majority, there has been delay of more than three years in filing of the present petition. Hence, the claim of the petitioner suffers from delay and laches, as well.

In view of the above, finding no merit in the present petition, the same is dismissed.

**15<sup>th</sup> NOVEMBER, 2021**  
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**(RAJBIR SEHRAWAT)**  
**JUDGE**

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| <i>Whether speaking/reasoned:</i> | <i>Yes</i> | <i>No</i> |
| <i>Whether Reportable:</i>        | <i>Yes</i> | <i>No</i> |