

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

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**LPA No.308 of 2020  
Decided on: 21.04.2022**

Veenu Kumar

... Appellant

Versus

Punjab State Power Corporation Limited and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA  
HON'BLE MR.JUSTICE VIKAS SURI**

Present: Mr. V.P. Arora, Advocate for the appellant.

**G.S. Sandhawalia, J.(Oral)**

The present letters patent appeal arises out of the order dated 16.01.2020 of the learned Single Judge passed in **CWP-10803-2019 'Veenu Kumar Vs. Punjab State Power Corporation Limited and others'**, whereby the writ petition was dismissed, wherein the claim was for death benefits of the father of the writ petitioner and for claiming compassionate appointment in place of his deceased father, who died in harness.

The learned Single Judge has summarized the controversy by noting that the regular employee died in the year 2002. His wife had taken the admissible terminal/death benefits and she also expired on 25.07.2014. The appellant claims to be the adopted son of the deceased employee, who was serving on the post of Assistant Lineman with the respondent-Corporation. In such circumstances, on account of the fact that the wife had been released the admissible terminal benefits, the filing of the writ petition five years after the death of the wife of the deceased employee was one of the cause for dismissal of the writ petition in limine.

The claim for compassionate appointment was rejected on the ground that there was nothing on record to show that the appellant was dependent of the said person and even otherwise he attained majority in the year 2008 and the writ petition was filed in the year 2019. The purpose of compassionate appointment being to help out a family of the breadwinner who had died in harness and who is in a state of abject poverty and penury was kept in mind and that the claim had to be filed within a reasonable period.

The said principles have been settled beyond any angle of doubt by the Apex Court in '**Umesh Kumar Nagpal Vs. State of Haryana**', (1994) 4 SCC 138, wherein it was held that compassionate appointment is not a regular source of recruitment and it is only an exception to help out the family to tide over the state of penury.

In the present case, facts demonstrate to the contrary, in as much as the wife of the deceased employee had taken the terminal benefits and had never chosen to agitate for any benefit in favour of the appellant, who has arisen like a phoenix to claim compassionate appointment, after 17 years of the death of the employee.

In such circumstances, the extra-ordinary jurisdiction was rightly declined to be exercised by the learned Single Judge and there is no case made out for interference in the present letters patent appeal. The same is dismissed in limine.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**(VIKAS SURI)**  
**JUDGE**

**April 21, 2022**  
*Naveen*

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No