

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

LPA-375-2022 (O&M)

Date of decision: 12.05.2022

Rajesh Kumar

...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. Pawan Kumar Goklaney, Advocate,
for the appellant.
Mr. Avineet Avasthi, AAG, Punjab.

* * * *

RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been filed by the appellant-petitioner being aggrieved by an order dated 12.09.2019, passed by the learned Single Judge in CWP-25541-2019, dismissing his petition, claiming compassionate appointment.

Admittedly the appellant's father died, while in service, on 14.12.2000. Whereafter, the appellant applied for compassionate appointment which was rejected by the authorities on 03.02.2005. The appellant-petitioner again approached the authorities seeking compassionate appointment, but was informed by communication dated 25.09.2007, that his claim had already been rejected by the authorities on 03.02.2005. Apparently, the appellant did not take any further steps to challenge the order rejecting his claim for a long period of 13 years and thereafter filed an appeal before the authorities against the said order which was also dismissed by the authorities on 17.05.2019, on the ground

of delay. Learned Single Judge dismissed the petition filed by him, vide impugned order and judgment, for, his claim suffered from delay and laches.

Though, learned counsel appearing for the appellant has tried to persuade this Court that the delay should be overlooked, however, the fact of delay in filing the appeal and taking up further steps in the matter is not disputed. It is a settled law that the compassionate appointment cannot be claimed as a matter of right, as it is a special concession given to the surviving members of the employee, who died while in service and in cases where the loss of the breadwinner results in extreme penury and hardship to the family. In the instant case, the appellant's father died in the year 2000, unfortunate though, today over two decades have gone by. It is a settled proposition of law that the petitions suffering from such a long, inordinate and unexplained delay cannot be entertained, as has been held by the Supreme Court in the case of **Union of India and others V. N. Murugesan and others, (2022) 2 SCC 25**, wherein it has referred to the decisions in the cases of: **U.P. Jal Nigam V. Jaswant Singh, (2006) 11 SCC 464**; **State of Karnataka V. S.M. Kotrayya, (1996) 6 SCC 267**; **Jagdish Lal V. State of Haryana, (1997) 6 SCC 538**; **Union of India V. Virpal Singh Chauhan, (1995) 6 SCC 684**; **Union of India V. C.K. Dharagupta, (1997) 3 SCC 395**; **State of W.B. V. Tarun K. Roy (2004) 1 SCC 347**; **State of W.B. V. Debdas Kumar, 1991 Supp (1) SCC 138**; **Eastern Coalfields Ltd. V. Dugal Kumar, (2008) 14 SCC 295**; **Tilokchand Motichand V. H.B. Munshi, (1969) 1 SCC 110**; **Rabindranath Bose V. Union of India, (1970) 1 SCC 84**; **State of J&K V. R.K. Zalpuri, (2015) 15 SCC 602**; **City & Industrial Development Corpn. V. Dosu Aardeshir Bhiwandiwalla, (2009) 1 SCC 168**; **Karnataka Power Corpn. Ltd. V. K. Thangappan, (2006) 4 SCC 322**; **State of M.P. V. Nandlal Jaiswal, (1986) 4**

SCC 566; State of Maharashtra V. Digambar, (1995) 4 SCC 683; Chennai Metropolitan Water Supply & Sewerage Board V. T.T. Murali Babu, (2014) 4 SCC 108; Tukaram Kana Joshi V. MIDC, (2013) 1 SCC 353; Durga Prashad V. Controller of Imports & Exports, (1969) 1 SCC 185; LAO V. Katiji, (1987) 2 SCC 107; Dehri Rohtas Light Railway Co. Ltd. V. District Board, Bhojpur, (1992) 2 SCC 598; Dayal Singh V. Union of India, (2003) 2 SCC 593; and Shankara Coop. Housing Society Ltd. V. M. Prabhakar, (2011) 5 SCC 607, that delay and laches, in such circumstances, defeats the claim of any parties.

In the wake of the above, we do not find any illegality and perversity in the judgment rendered by the learned Single Judge. Thus, the appeal being bereft of merit is accordingly dismissed.

Consequently, the application i.e. CM No.944-LPA of 2022, for condonation of delay in filing the appeal also dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

12.05.2022

Manoj Bhutani

Whether speaking/reasoned	Yes
Whether reportable	Yes/No