

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

Sr. No.608

CWP-1663-2000 (O&M)

Date of decision: May 19, 2022

Satpal Singh Yadav

...Petitioner

Versus

The State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Surinder Gandhi, Advocate
for the petitioner.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2000, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to appoint petitioner on the post of Sub-Inspector or Clerk instead of Peon in the Cooperative Department on compassionate grounds.

2. Learned counsel for the petitioner vehemently argues that case of the petitioner is squarely covered by judgments rendered in CWP No.5413 of 1999, titled as *Ravinder Singh vs. State of Haryana*, decided on 05.05.1999 and CWP No.13888 of 1998, titled as *Satender vs. State of Haryana and others*, decided on 11.11.1998.

3. Per contra, learned State Counsel would urge that the petitioner was entitled to employment only on a post, which is one step below the post on which the deceased was serving at the time of his death. The petitioner's father was working on the post of Sub-Inspector in the pay scale of Rs.1400-2600 at the time of death, he points out.

4. I have heard the competing arguments of both the learned counsel and I am of the view that petition deserves dismissal for the reasons stated hereinafter.

5. It is settled position that compassionate appointment is not to be construed in any manner as reservation to seek appointments by creating vertical reservation through a special category of the wards of deceased employees who die

in harness. The nobility and benevolence of compassionate policies is to ameliorate immediate penury which family is visited with on sudden death of an employee.

6. In this context, reference may also be had to a judgment rendered by the Supreme Court in **SLP (C) No.778 of 1999, decided on 22.03.1999**, titled as, *State of Haryana and Others vs. Rajiv Deshwal*, reported as **(2003) 10 SCC 275**, wherein it has been held that compassionate employment should be given to a dependent on the post, which is one step below the post on which the deceased was serving at the time of his death.

7. It has specifically been stated in the return filed by respondents No.1 and 2 to the petition, to which neither any replication nor any additional affidavit has been filed to controvert it, that the petitioner's father was working in the office of Inspector Cooperative Societies, Pataudi on the post of Clerk. Though he was working in the time scale of Rs.950-1500 but he was drawing the pay scale of Rs.1200-2040 on the basis of Ist Higher Standard pay scale. Meaning thereby, the said pay scale was not because of the fact that he was working as Sub-Inspector but on the basis of Ist Higher Standard pay scale. The IInd Higher Standard pay scale being Rs.1400-2600 in the time scale of Rs.950-1500.

8. Furthermore, claim of the petitioner was rejected 23 years ago. Be that as it may, even otherwise, claim of the petitioner to be appointed as Clerk was unreasonable and was rightly rejected in accordance with applicable administrative instructions dated 08.06.1999 (Annexure R-1), issued pursuant to the judgment *ibid* envisaging that the dependent of a deceased is to be given appointment on the post, one step below the post on which the deceased was serving at the time of his death. The said administrative instructions were never challenged by the petitioner. Further having once taken compassionate appointment as Peon, the principle of estoppel and grounds of delay and laches also disentitle him to seek the benefit of appointment on higher post.

9. I am also in agreement with the argument that one step below has to be read as "post" and not "pay-scale". Admittedly, one step below the post of Clerk is Peon. The petitioner was, therefore, rightly denied the relief of appointment on the post of Clerk.

10. In view of the aforesaid, no ground for interference is made out. Petition is dismissed.

11. Since the main case has been decided, pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

May 19, 2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No