

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

CWP-5310-2022

Date of decision: March 16, 2022

Partibha

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Manoj Chahal, Advocate for the petitioner.

Ms. Kirti Singh, DAG Haryana.

ARUN MONGA, J (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of Certiorari for quashing the impugned order dated 17.12.2020 (Annexure P-5) whereby claim of the petitioner for grant of compassionate appointment/ assistance has been declined without assigning any reasons and ignoring the orphan status of the petitioner.

2. Learned counsel for the petitioner submits that mother of the petitioner had served with the respondent-Department on the post of Hindi Teacher and was posted in the Government High School, Dhani Phogat, District Charkhi Dadri. Unfortunately, mother of the petitioner while in service and her father both died in a road accident on 30.03.1984 leaving the petitioner behind alone. She was brought up by her maternal uncle and completed her Post Graduation, B.Ed and ITI diploma. Petitioner also got married. Upon having knowledge about her right of compassionate appointment/ assistance under the notification issued by the Government in

the year 2019, petitioner applied for the same. After her running from pillar to post, ultimately, respondent No.3 vide letter dated 03.09.2020, sent the case of the petitioner to respondent No.2. But vide order dated 17.12.2020 (Annexure P-5), claim of the petitioner was rejected without assigning any reason.

3. On advance service, learned State counsel appears and opposes issuance of notice of motion.

4. I have heard learned counsel for the parties and perused the record.

5. Concededly, facts pleaded in the petition *ex facie* reflects that the petitioner was merely 11 months old when her mother expired in harness and in an unfortunate road accident, her father also expired. The petitioner became an orphan. Thereafter, she is stated to have been brought up by her maternal uncle and successfully obtained degrees of Post-Graduate, B.Ed. and ITI diploma.

6. On a Court query, learned Counsel for the petitioner does not dispute that the petitioner is married and her husband is an agriculturist having one and half acres of land. Being so, I do not find it a fit case where this Court should interfere. Compassionate appointment, by no stretch of imagination, is to be construed as a kind of reservation in service. The noble object behind introducing such welfare policy by the State is to ameliorate immediate financial/ pecuniary hardship which the family faces in case of sudden death in harness of the earning member. Petitioner having gone through the same, at the relevant time came out of the crisis and also got married later. At this stage, when she has turned 35 years cannot be said to

the suffering from such financial hardship as envisaged under the policy meant for compassionate appointment.

7. No grounds for interfering are made out. Dismissed.

(ARUN MONGA)
JUDGE

March 16, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No