

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

**CWP-14797-2022
Date of Decision : 14.07.2022**

Tara Devi

..... Petitioner

Versus

Panjab University and others

..... Respondents

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

Present : Mr. Anish Gautam, Advocate for the petitioner.
Mr. Indresh Goel, Advocate for the respondents.

G.S.SANDHAWALIA, J (Oral)

Challenge herein is to the order dated 31.03.2015 (P-6) whereby the claim of the petitioner for compassionate appointment on account of the death of her father, who was working as a Mali, has been rejected as per Rule 5 (i) (d) of the Panjab University Calender Vol. III, 2009 (for short 'the Rule').

A perusal of the said provision as such would go on to shows that appointment can only be given to a dependent unmarried daughter. In such circumstances, challenge has also been raised to clause 5 of the Rule in the present writ petition. Counsel has tried to convince us on the strength of a judgment dated 17.01.2020, passed by learned Single Judge of this Court in CWP-2218-2017 titled *Amarjit Kaur vs. State of Punjab and another*, wherein for the State of Punjab even such a provision was struck down as had been challenged by married daughter of the deceased employee. Resultantly, necessary directions have been given to issue appointment letter to the petitioner for consideration of her claim. It is not disputed that the State of Punjab is also in an appeal against the said order. However, we are

of the considered opinion that the present writ petition is not liable to be entertained on account of the delay and laches since the impugned order rejecting the case of the petitioner was passed more than seven years back. At that point of time, the petitioner was satisfied as such and never sought to challenge the said order or the Rule at that point of time and accepted the same. Only on account of the subsequent decision passed by this Court, the petitioner has now woken up as such and sought to jump on the bus and claim the relief as such for compassionate appointment by raising the challenge to the Rule.

We are of the considered opinion that keeping in view the principle that compassionate appointment is to be offered only to the persons who are in extreme penury and to get over the financial difficulties of the family facing at that point of time. In this present case, it is noticed that the employee who was working as a Mali had expired on 11.12.2014 and this point of time after eight years the claim as such, thus is barred of the principle of delay and laches. Therefore, we do not feel that it is a fit case as such to exercise the extraordinary jurisdiction of this Court in the peculiar facts and circumstances.

Accordingly, the writ petition is dismissed.

(G.S.Sandhawalia)
Judge

14.07.2022
mamta

(Vikas Suri)
Judge

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No