

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

CWP No. 12632 of 2022

Date of decision: 01.06.2022

Ravi Kumar alias Ravi Saharan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ravinder Singh Dhull, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash impugned letters dated 22.10.2019 (Annexure P-9) and 27.04.2020 (Annexure P-10) vide which representation and application of the petitioner for compassionate job has been declined.

2. Learned State counsel, on advance service appears and submits that claim of the petitioner for compassionate appointment has been declined vide impugned order dated 27.04.2020 (Annexure P-10) on the ground that mother of the petitioner has already availed Financial Assistance. He further submits that the impugned order has rightly been passed on the ground that the very purpose of compassionate appointment is to alleviate the immediate financial hardship of the family of the deceased employee, who dies in harness, all of a sudden.

3. Having heard the rival contentions and gone through the paper book, I am of the view that no interference is called for in the extraordinary writ jurisdiction vested under Article 226 of the Constitution of India.

4. It is a settled position that compassionate appointment is not a reservation and cannot be treated as an alternative mode of backdoor recruitment

so as to avoid the competition and by pass the selection on the basis of merits. Rather, the same is in the nature of and by way of humanitarian consideration for ameliorating relief depending upon the financial condition/indigency of the family of the dependents of the employee dying in harness.

5. The compassionate employment, therefore, cannot be claimed as a matter of right on the ground of compassion as the policy does not bestow any fundamental or statutory enforceable right upon the next of the kin of a deceased employee.

6. At this stage, learned counsel for the petitioner submits that a fresh representation was subsequently filed by petitioner in May- 2022 (P/12), with additional submissions and undertaking qua the assistance already availed as others have been given benefit job on acceptance of such undertakings and permission of court be given to pursue the said representation. May do so on his own accord as no such permission is required from the Court.

7. No grounds are made out to interfere.

8. Dismissed.

June 01, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No