

In the High Court of Punjab and Haryana at Chandigarh

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CWP-17220-2018 (O & M)

Date of Decision: September 20, 2022

TIRASPAL @ TARASPAL

.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Ms. Navneet Kaur, Advocate for
Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. Malkeet Singh Balianwali, Advocate
for respondents No.3 and 4.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has sought a direction to the respondents to appoint him on compassionate ground.

Learned counsel for the petitioner submits that the father of the petitioner, who was working as Sewer Man in respondent No.3-Corporation, had expired while he was in service. The case of the petitioner on compassionate ground is not being considered because it is alleged to be delayed for about 01 month in making the application. The application had to be made within a period of one year. He further submits that after the demise of the father of the petitioner, the petitioner's brother and minor son had also expired within a span of one year and, therefore, the petitioner was not in a mental condition to have made the application for compassionate appointment within time.

Learned counsel for respondents No.3 and 4 has filed reply, which is taken on record. He while referring to the reply states that respondent No.3 had recommended the case of the petitioner for appointment on compassionate grounds and a case had been sent to respondent No.2 for condoning the delay

in making the application. Memo dated 15.12.2014 in this regard has been attached as Annexure R-3/1.

Learned counsel for respondents No.1 and 2 submits that the decision with regard to the appointment on compassionate ground has to be taken by respondent No.3 as the father of the petitioner was an employee of respondent No.3.

Heard.

The father of the petitioner is stated to have expired while he was in service. Within a span of one year, the petitioner had also lost his brother and a minor son. The other legal heirs of his father are stated to have relinquished their right in favour of the petitioner. A copy of the representation in that regard has been annexed as Annexure P-3. The requisite period during which the application for compassionate appointment had to be made is one year. The application of the petitioner was delayed by 25 days. Respondent No.3 has already recommended condonation of delay. In the aforementioned facts and circumstances especially when the petitioner had lost three close relatives within a span of one year, the delay ought to have been condoned.

Consequently the petition is allowed. The delay in submitting the application for compassionate appointment stands condoned. Respondent No.3 shall consider the case of the petitioner for compassionate appointment and take a decision in the light of the instructions within a period of three months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

September 20, 2022

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No