

In the High Court of Punjab and Haryana at Chandigarh

243

CWP-20498-2017 (O & M)

Date of Decision: July 28, 2022

ASHA DEVI

.....PETITIONER

VERSUS

**GOVERNMENT OF PUNJAB THR
SECRETARY DEPT OF
FAMILY WELFARE AND ANR**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Vikram Bali, Advocate for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.

Mr. Hardik Ahluwalia, Advocate for
Mr. T.V.S. Lehal, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has impugned the order dated 08.02.2016 whereby the application of the petitioner for compassionate appointment has been rejected.

Learned counsel for the petitioner submits that husband of the petitioner was working as a Mali in the respondent-University on regular basis, had expired on 12.11.2013. The petitioner was an advanced stage of pregnancy at that time and the child was born on 02.12.2013. The petitioner was under severe mental trauma due to the loss of her husband and had to look after and bring up the new born child single handedly. She, therefore, could not apply for compassionate appointment within a specified period of time of two years. He has cited the judgment of the Coordinate Bench in CWP-19339-2008 decided on 05.10.2010 wherein in a similar case of a widow seeking compassionate appointment, it was directed that the delay in submitting the application would be relaxed in a special case and a direction was issued to the respondents to decide the case of the petitioner therein sympathetically.

Learned counsel for respondent No.2 while relying upon the reply filed by respondent No.2 submits that in terms of the policy, the application for compassionate appointment had to be made within two years and exception has been made only in the case where applicant/dependent was a minor at that time.

Heard.

The petitioner is a widow, whose husband was working as a Class-IV employee. She had given birth to a child after the death of her husband. She had applied for compassionate appointment on 18.01.2016. A paltry sum of Rs.30000/- is stated to have been released to her by the respondent from the welfare fund, which would be inadequate to maintain the widow and the child.

In view of the aforementioned circumstances especially when the petitioner is a widow and had to bring up a child, who was born after the death of his father, it has been held by the Coordinate Bench in the aforementioned case that as a special case, relaxation could be made for the delay in the application of a widow for compassionate appointment, the case of the petitioner deserves to be considered on merits.

Consequently, the petition is allowed and the impugned order is set aside. Respondent No.2 is directed to consider the case of the petitioner for compassionate appointment in terms of the policy within a period of three months from the date of receipt of certified copy of this order.

The application of the petitioner for compassionate appointment would not be rejected on the ground of delay.

(ANUPINDER SINGH GREWAL)
JUDGE

July 28, 2022
A.Kaundal

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