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

219

CWP-28679-2017

Date of decision : 20.09.2022

Jasvir Kaur

... Petitioner

Versus

The State of Punjab and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Bikramjit Singh Jatana, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Ms. Monica Chhibber Sharma, Advocate
for respondents No.2 to 6.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 12.06.2017 (Annexure P-2) whereby her claim for appointment on compassionate ground has been rejected.

Learned counsel for the petitioner submits that the husband of the petitioner, who had been employed as Lineman on contractual basis with the respondents, had expired on 12.01.2015 after rendering over three years of service. The services of other employees, who were working with the husband of the petitioner and had completed three years of service, had been regularized by the respondents in terms of the policy dated 17.08.2015 (Annexure P-3). He has relied upon the judgments of this Court in the case of **Beant Kaur versus State of Punjab, 2001(3) SCT 321** and **Dalbir Kaur versus State of Punjab and others**, bearing CWP No.1731 of 2011, decided on 10.01.2012.

Learned counsel for respondents No.2 to 6, while referring to the reply filed by the respondents, submits that as the husband of the petitioner was not a regular employee, her case for compassionate appointment had been rejected. The services of other employees, who were also working on contractual basis, had been regularized in terms of the policy dated 17.08.2015 (Annexure P-3) but the husband of the petitioner had expired on 12.01.2015 and thus, the case of the petitioner would not be covered under this policy (Annexure P-3). She has also relied upon the judgment of the Supreme Court in the case of **General Manager, Uttaranchal Jal Sansthan versus Laxmi Devi and others**, passed in Civil Appeal No.3605 of 2009, decided on 15.05.2009.

Heard.

The husband of the petitioner had been appointed as a Lineman on 25.11.2011 on contractual basis in pursuance to an advertisement i.e. CRA-267/2011 issued by the respondents. He had been posted in the office of Protection and Maintenance Division Barnala. On 12.01.2015, he had unfortunately expired in a road accident while returning home from his duty. The services of other Lineman who had been appointed in pursuance to CRA-267/2011 on contract basis along with the husband of the petitioner had been regularized after completion of three years of service. The husband of the petitioner had also completed three years of service when he had unfortunately expired.

This Court in the case of **Dalbir Kaur versus State of Punjab and others(supra)** had allowed the petition by holding that the services of the husband of the petitioner therein, who had also unfortunately expired, would have been regularized as a Constable had he not expired while relying upon a

judgment of the Division Bench of this Court in the case of **Beant Kaur versus State of Punjab (supra)**.

The judgment of the Supreme Court in the case of **General Manager, Uttaranchal Jal Sansthan versus Laxmi Devi and others (supra)** relied upon by the counsel for the respondents is distinguishable on facts and not applicable to the instant case as the petitioner therein was the wife of a daily wager and it was in such circumstances held that a daily wager cannot be treated as a regular employee.

In the instant case, the husband of the petitioner was a contractual employee after having appointed through an advertisement issued by the respondents. The deceased employee would have been eligible for regularization in terms of the policy dated 17.08.2015 (Annexure P-3) as he had put in three years of service. The petitioner is a widow with two minor children. It would also be unjust and inequitable to deny her claim for compassionate appointment.

Consequently, the petition is allowed and the impugned order dated 12.06.2017 (Annexure P-2) is set aside. The respondents will consider the claim of the petitioner for appointment on compassionate ground on a suitable post as per her academic qualifications ignoring the fact that her husband was not a regular employee. The needful shall be done within a period of two months from the date of receipt of certified copy of this order.

(ANUPINDER SINGH GREWAL)
JUDGE

September 20, 2022

sonia gugnani

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