

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

202

CWP-8281-2017

Decided on : 09.09.2022

Deepak

.....Petitioner(s)

Versus

Union of India & another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE JAGMOHAN BANSAL**

Present: Mr.S.K.Verma, Advocate, for the petitioner(s).

Ms.Puneeta Sethi, Sr.Standing Counsel, for respondent No.1-UOI.

Mr.Naveen Chopra, Advocate, for respondent No.2.

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India, is to the order dated 09.11.2016 passed by the Central Administrative Tribunal, Chandigarh Bench whereby the claim of the petitioner for compassionate appointment was rejected on the ground that there was 2050 days of delay in filing the appeal.

It was also noticed by the Tribunal that the applicant was 26 years old and his father had expired on 05.02.2010, leaving behind the petitioner along with his 2 brother and 2 sisters. It was noticed that he had applied vide application dated 31.08.2011 but he had not been given the necessary relief and the OA was dismissed on the ground of limitation, in limine, since the same was filed in the year 2016, after a period of 5 years from the date of submission of the application.

Reply has also been filed by respondent No.2 herein where it has been mentioned that the case of the petitioner could not be recommended as there were other applicants for compassionate appointment. The proceedings of the Committee dated 26.11.2011 was appended as Annexure R-1, that if

there was any vacancy in any of the institutes, the benefit would be given. Reference was made to the OM dated 16.01.2013 that a cap of 5% vacancy falling under direct recruitment quota in any Group C post was fixed under the said category. The defence was that no applicant could be recommended for compassionate appointment since there were 12 persons more waiting in the pipeline.

In such circumstances, we are of the considered opinion that the stand of respondents is very specific that the petitioner's turn has not come for compassionate appointment as per the list also which has been attached along with the reply in which he is shown at Sr.No.13 since his date of birth is 26.08.1992, having a 10+2 degree qualification and wherein the date of death of the father was mentioned as 05.02.2010. The respondents are also bound by the terms of their policy and the petitioner cannot be permitted to jump the queue in any manner and therefore, no case is made out for issuance of direction of mandamus by this Court for the said relief. However, in case any vacancy does arise, as per the seniority, the petitioner may be given the said benefit by the respondents in accordance with its policy.

Accordingly, in view of the above discussion, finding no merit in the present writ petition, the same is dismissed.

(G.S. SANDHAWALIA)
JUDGE

September 09, 2022
SAILESH

(JAGMOHAN BANSAL)
JUDGE

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