

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

2023:PHHC:166915

225

**CWP-3399-2020
DECIDED ON:04.09.2023**

PARDEEP KUMAR

.....PETITIONER

VERSUS

**SARVA HARYANA GRAMIN BANK THROUGH ITS BRANCH
MANAGER AND OTHERS**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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

Mr. Hemant Hans, Advocate for
Mr. Bhushan Bhatia, Advocate
for the respondents.

SANDEEP MOUDGIL, J. (ORAL)

1. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked seeking direction to the respondents to appoint the petitioner on compassionate grounds, which has been denied by the respondents in an illegal and arbitrary manner.
2. The crux of the present case is that the father, who was posted as Assistant Manager in the respondent Bank, had expired on 15.08.2017 at the age of 59 years, due to which the family of the petitioner has become almost indigent and needs immediate financial assistance. The petitioner applied for appointment on compassionate ground, however, the claim of the petitioner has been wrongly and arbitrarily denied/rejected by the respondent- Authorities.
3. Learned counsel for the petitioner, while reiterating the factual aspects mentioned in the petition, has argued that the petitioner is fully eligible

for appointment on compassionate ground under the scheme vide HRDD Circular No.04/2015 dated 12.01.2015 (Annexure P-1) as well as the latest scheme vide HRDD Circular No.07/2017 dated 18.02.2019 (Annexure P-14). Not only this, the Regional Manager vide letter dated 19.06.2018 (Annexure P-8) has considered the case of the petitioner in light of the guidelines of HRDD Circular No.04/2015 dated 12.01.2015 (Annexure P-1); however, the claim of the petitioner has been rejected wrongfully and arbitrarily. Hence, the petitioner has knocked at the doors of this Court for seeking justice.

4. Learned counsel for the respondents, on the other hand, has opposed the prayer of the petitioner on that ground that the present petition is not maintainable as the petitioner has no locus standi to file and maintain the same. The petitioner is estopped from his own act and conduct from filing the present petition. Moreover, the petitioner's claim for compassionate appointment is not maintainable as he was not found eligible as per the scheme applicable at that time. However, the case of the petitioner for payment of *ex-gratia* amount might be considered on merits. It has been further argued that the Hon'ble Apex Court as well as the other Hon'ble High Courts have held in a catena of judgments that the appointment on compassionate ground cannot be claimed as a matter of right. It is further submitted that even as per the scheme relied upon by the petitioner i.e. HRDD Circular No.04/2015 dated 12.01.2015 (Annexure P-1), the petitioner is not eligible for compassionate appointment; because as per the said policy, the deceased employee must be of the age of 55 years or below. Hence, the claim of the petitioner was not maintainable and has been rightly declined by the respondents.

5. I have heard the learned counsel for the respective parties and have also gone through the documents appended alongwith the present petition with their able assistance.

6. After hearing both the parties, it is evident that the claim of the petitioner for compassionate appointment is largely and strongly based upon the scheme of the respondent department prevalent vide HRDD Circular No.04/2015 dated 12.01.2015 (Annexure P-1) as well as the latest scheme vide HRDD Circular No.07/2017 dated 18.02.2019 (Annexure P-14). In both the schemes, there is a common clause i.e. Clause No.4.2 in the Scheme of 2015 and Clause 1.2 in the latest scheme of 2019. Both the clauses are reproduced hereinafter below:

“For the purpose of the Scheme, “employee” would mean and include only a confirmed regular employee who was serving full time or part-time on scale wages, at the time of death/retirement on medical grounds, before reaching age of 55 years and does not include any one engaged on contract/temporary/casual or any person who is paid on commission basis.”

7. A perusal of the above specifically shows that the deceased employee must be of or below the age of 55 years; whereas the father of the petitioner had died at the age of 59 years and odd months; and was due to retire after a short span of four months. Hence, even if the case of the petitioner is considered as per his own contentions, even then the petitioner is not found eligible for appointment on compassionate ground. Hence, if the documents, which have been relied upon by the counsel for the petitioner, are of no help to the petitioner, the entire case of the petition goes itself.

8. Consequently, the action of the respondents in declining the claim of the petitioner for compassionate appointment cannot be said to be illegal,

wrongful or arbitrary. The action of the respondents is purely in accordance with law and statutory provisions.

9. Hence, keeping in view the totality of the facts and circumstances of the present case, I am of the opinion that the petitioner has miserably failed to establish his case.

10. Dismissed.

04.09.2023
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(SANDEEP MOUDGIL)
JUDGE

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