

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

CWP-4487-2021 (O&M)

Date of decision : 20.04.2023

VINOD KUMAR BHARDWAJ

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sukhtej S. Sandhu, Advocate for the petitioner.

Mr. Inderpreet S. Kang, Asstt. Advocate General, Punjab

Mr. Mrigank Sharma, Advocate for

Dr. Puneet K. Sekhon, Advocate for respondent No.3.

PANKAJ JAIN, J. (ORAL)

Present writ petition has been filed under Article 226/227 of the Constitution of India seeking writ in the nature of mandamus in the form of directions to the respondents to consider the claim of the petitioner for compassionate appointment owing to unfortunate death of his mother Smt. Raj Kumar who was working as Peon with Municipal Council, Noor Mahal and died in harness.

2. Admittedly the petitioner applied immediately on death of his mother and there was a policy in vogue at that point of time governing the issue of compassionate appointment and was applicable to the respondent-Municipal Council as well. However, there was some dispute *inter se* between the LRs of Late Smt. Raj Kumar i.e. the petitioner and his brother. Only on that count the claim of the petitioner was not considered.

3. Counsel for the petitioner submits that later on the said dispute

between the brothers was resolved and the brother who was disputing the right of the petitioner to seek compassionate appointment allowed the petitioner to take all terminal benefits of their mother Late Smt. Raj Kumar.

4. In the considered opinion of this Court, once there was a right vested in the petitioner and admittedly Municipal Council was bound by the policy, merely on account of *inter se* dispute between the brothers such right ought not have been refused.

5. Be that as it may, in view of the fact that the respondents themselves have now recognized the petitioner to be the successor of Late Smt. Raj Kumar, respondents No.3 and 4 are directed to consider the claim of the petitioner for compassionate appointment afresh in the light of policy as applicable in accordance with the law within a period of eight weeks from the date of receipt of certified copy of this order.

6. Needless to say in case the petitioner is found to be entitled, necessary relief shall be given to him within a further period of four weeks thereafter. However, in case the respondents still feel that the claim of the petitioner sans merit and deserves to be rejected the same shall be adjudicated only by passing a speaking order after affording opportunity of personal hearing to the petitioner.

7. Writ petition stand disposed off in above terms.

April 20, 2023

Dpr

(PANKAJ JAIN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No