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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3282-2023 (O&M)
Date of Decision: 17.02.2023

AMAN SHARMA

.. Petitioner

Vs.

UNION OF INDIA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

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

Mr. N.K. Vashist, Sr Panel Counsel
for respondents No.1 to 3-UOI.

...

Manoj Bajaj, J. (Oral)

This writ petition has been filed under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for quashing of impugned order dated 30.10.2018 (Annexure P-2) passed by respondent No.3, whereby petitioner's claim for compassionate appointment has been rejected. Further, prayer is for issuance of a writ of Mandamus directing the respondents to grant him compassionate appointment.

Learned counsel submits that the petitioner's father was serving in Railway Department, who died in harness and faced with this unfortunate sudden crisis, petitioner's mother, namely, Urmila moved an application to seek compassionate appointment, which was considered favourably and petitioner's brother, namely, Rajan Sharma was given appointment as TNC, in G.P. 1900/- on 30.01.2015. He submits that the petitioner's brother was also unmarried, who unfortunately also died on 14.04.2017, therefore, again an application seeking appointment on compassionate grounds was moved,

but the same has been dismissed by respondent No.3 vide impugned order dated 30.10.2018. Learned counsel submits that once the respondents have formulated a policy to give appointment on compassionate grounds, the claim of the petitioner has been wrongly dismissed, as after the demise of his father, he too was dependant upon his brother. He submits that the petitioner being 26 years old unmarried dependant had also given a representation dated 31.01.2023 to the respondents No.2 and 3, but the same has not been considered, therefore, there are compelling reasons for the petitioner to approach this Court by invoking jurisdiction under Article 226 Constitution of India.

Upon hearing the learned counsel and considering his submissions, this Court finds that the petitioner's brother had died on 14.04.2017 and the claim of the petitioner was considered immediately, which was dismissed on 10.10.2018. The decision is being challenged through this writ petition after a long delay of more than four years, which has not at all been explained. Apart from it, a perusal of the impugned order dated 30.10.2018 shows that the respondent No.3 examined the employee's record while declining the request with the observation that the petitioner's name does not reflect as his dependant.

Resultantly, this Court is not inclined to exercise the extra ordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

17.02.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes No
Yes No