

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 4821 of 2020 (O&M)****Date of Decision: 08.05.2023**

Jagvir Singh alias Gursewak Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Rajneet K. Jaswal, Advocate
for the petitioner(s).Mr. R.S.Pandher, Senior Deputy Advocate General,
Punjab, for the respondents.**Anil Kshetarpal, J.**

1. While praying for the issuance of the writ in the nature of certiorari to quash the order (Annexure P4), the petitioner, in substance, prays for direction to the respondents to appoint him on the compassionate basis.

2. It is alleged that the petitioner's father late Sh. Mahal Singh died on 22.01.2006. During his life time, he had solemnized two marriages and both the widows along with their children are alive. Smt. Beant Kaur, one of the widows, filed the civil suit claiming decree of declaration that she is entitled to the service benefits of late Sh.Mahal Singh. The said suit filed by her was decreed, however, in the first appeal, the judgment and decree passed by the trial Court were reversed. Thereafter, the present writ petition has been filed in the year 2020.

3. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

4. As already noticed, late Sh.Mahal singh died in the month of January, 2006. It has been more than 17 years from the date Sh. Mahal Singh died in harness. After his death, a civil litigation arose between the two alleged widows.

5. The compassionate appointment is meant to provide immediate support to the family of an employee who dies in harness. The aim is to offer immediate assistance to save the family from any financial crisis that may arise as the deceased may have been the sole bread earner. This provision is not an alternative source of recruitment. In fact, certain posts are excluded from the public competition in order to accommodate such cases.

6. The petitioner's family has successfully sustained itself for more than last 17 years. At this stage, it is not appropriate to issue any direction while exercising the writ of certiorari to set aside the detailed order passed by the Deputy Commissioner, Patiala, after discussing the various aspects of the matter.

7. Keeping in view the aforesaid facts and discussion, no ground is made out to issue a writ. Hence, the present writ petition is dismissed.

8. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

May 08, 2023
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No