

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

CWP-4534-2023

Date of decision : 03.03.2023

Santokh Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Balwinder Singh Chahal, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

Petitioner herein prays for quashing of order dated 10.06.2022 (Annexure P-5), whereby the claim raised by the petitioner seeking compassionate appointment has been declined. The impugned order reads as under:-

“Admittedly, late Baldev Raj was appointed as clerk on 03.07.1987, whereas he was retired as mandi supervisor on 31.07.2017, after attaining age of superannuation. Unfortunately, he died after retirement on 13.12.2017. Now the dependants of deceased through above said legal notice claiming the compassionate appointment.

Firstly, to decide the claim of the petitioner we have to understand the aim & object of the compassionate policy - 2002. The compassionate policy has been framed on the basis of the judgment passed by Apex court in the case of "Umesh Kumar Nagpal Versus State of Harvana & Others (1994) 4 SC cases (138) In which court held that the main object of compassionate appointments is to enable the penurious family of the deceased employee to tide over the financial crises and not to provide employment.

Moreover, the objective of the Scheme is limited to grant of appointment on compassionate grounds to persons who fall

in the categories mentioned below;-

- (1). A dependant member of the family of a person (bread winner) killed or 100% physically disabled in terrorist action or by security forces acting in aid of civil power, in the state:
- (2). A dependant member of the family of the deceased Government employee, who dies in harness.
- (3) Disabled Ex-Servicemen (fit for civil service);
- (4). A dependant member of the family of the Defence Service Personnel.
 - (i) Killed in service, while performing duties: or
 - (ii) Who are severely disabled and totally unfit for re-employment.

On the perusal of the above, the appointments on compassionate grounds can only be considered for dependants member of the family of deceased government employee, if the case of the dependants squarely falls in any of the grounds stated above. But, in the instant case Baldev Raj died after retirement on 13.12.2017. This clearly shows that when he expired, he was not an employee of the committee. In view of the Compassionate Policy the claim of the dependants of the deceased is not acceptable. Therefore, his dependants are not entitled to claim appointment on compassionate grounds. As far as the medical bills of the deceased are concerned, record shows that all medical bills submitted in the office of committee had already been duly reimbursed well in time.

Therefore, for the aforementioned reasons the claim of the petitioner cannot be accepted. Hence, the same is declined.”

2. Counsel for the petitioner is not in a position to deny the fact that deceased Baldev Raj who was working as Clerk with the respondent and retired as Mandi Supervisor on 31.07.2017, died after retirement on 13.12.2017.

3. Thus in view of the aforesaid fact, there is no reason for this Court to interfere while exercising writ jurisdiction as the authority has rightly after considering the claim of the petitioner rejected the same being not covered under the policy.
4. Resultantly, the present writ petition is dismissed.

(PANKAJ JAIN)
JUDGE

03.03.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No