

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

LPA-286-2023 (O&M)

Date of decision : 16.03.2023

Aman Sharma

....Appellant

Versus

Union of India, Ministry of Railways (Railway Board), Northern
Railways and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ankit Gautam, Advocate, and
Mr. Abhimanyu Singh, Advocate,
for the appellant.

Mr. N.K. Vashist, Advocate,
for the respondents.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This appeal has been filed by the appellant being aggrieved by judgment dated 17.02.2023, passed by the learned Single Judge in CWP-3282-2023, dismissing the writ petition filed by him, praying for quashing the order dated 30.10.2018, passed by the respondent authorities, whereby, his claim for compassionate appointment was rejected.

Brief facts leading to filing of the petition are that the appellant's father, who was employed with Railway Department, died in harness. Mother of the appellant, namely Smt. Urmila, moved an application seeking compassionate appointment. Pursuant to which, brother of the appellant was given appointment on compassionate basis on 30.01.2015. Unfortunately, he too died in harness on 14.04.2017. And, mother of the appellant had moved an application seeking compassionate

appointment for the appellant, but the same was dismissed by respondent No.3, vide order dated 30.10.2018. Thereafter, the appellant moved respondent Nos. 2 and 3, vide a representation dated 31.01.2023, but the same did not yield any positive result. Thus, he approached this Court vide a writ petition, which was dismissed vide impugned judgement.

We have heard learned counsel for the appellant and perused the records.

From a perusal of the record, it is evident that the learned Single Judge has taken note of the fact that brother of the appellant died in harness on 14.04.2017, and claim of the appellant for compassionate appointment was rejected on 30.10.2018. However, he approached this Court vide a writ petition, referred to above, in the month of February, 2023, i.e. nearly after five years. The learned Single Judge has also taken note of the fact that the appellant has not given any reasonable/acceptable explanation for the long and inordinate delay of about five years. Even the records available with the Railways Authorities did not indicate that appellant was a dependent upon his deceased brother. Therefore, we are of the view that the findings recorded by the learned Single Judge are in accordance with the facts and documents on record and the same do not suffer from any perversity or arbitrariness.

The law regarding compassionate appointments has already been settled by the Supreme Court in a series of decisions, wherein it has been held that no person has a right to claim compassionate appointment. If a claim as regards compassionate appointments is to be made, it should be made promptly, keeping in mind the very object and purpose of compassionate appointment, which is to provide immediate relief to the family members of the deceased employee and to prevent them from

suffering penury. The Supreme Court, in its recent decision, in State of West Bengal Vs. Debabrata Tiwari and others, 2023 SCC OnLine SC 219, has again reiterated and summarised the entire law relating to compassionate appointment and held that belated claims for compassionate appointments are not tenable.

In the circumstances, we do not find any reason to interfere with the impugned judgment passed by the learned Single Judge. The appeal being devoid of merit is dismissed.

However, as observed by the respondent authorities in the impugned order, it is made clear that Smt. Urmila (mother of the appellant) may apply for compassionate appointment, and if she does so, the authorities shall consider her claim, in accordance with law.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 16, 2023
Ak Sharma

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