

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.7094 of 2023(O&M)
Date of decision: 11.04.2023

Gurbinder Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Garg, Advocate
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The petitioner prays for the following substantive relief:-

“i) Issue a writ in the nature of Certiorari for quashing order dated 05.09.2016 (Annexure P/3), 18.04.2017 (Annexure P/6), 09.08.2022 (Annexure P/11) and 12.01.2023 (Annexure P/12) passed by the respondents, vide which that the applications submitted by the petitioner for considering his claim for compassionate appointment in preview of policy dated 27.12.2016, has also been rejected.”

2. In substance, the petitioner prays for setting aside the various orders through which his request for grant of compassionate appointment on priority basis has been rejected. He claims compassionate appointment on account of the death of his father on 01.01.2016. The petitioner does not dispute that on attaining the normal age of retirement i.e. 58 years, his father retired on 31.01.2015. However, as per the prevalent policy of the State, an

option was given to the employees to seek extension. He relies upon the instructions dated 27.12.2016 extending the benefit of the policy of compassionate appointment to the wards of the employees who die during the extended period. However, those instructions were withdrawn on 27.03.2017.

3. The learned counsel representing the petitioner contends that the petitioner submitted the application within time and as many as 14 similarly situated persons have been appointed.

4. This court has considered the submissions of the learned counsel representing the petitioner.

5. The compassionate appointment is not another source of recruitment. This concession is extended to the dependents of the family of the employees who die in harness leaving behind no bread earner. This policy is to immediately support the family who may otherwise be forced into a situation of desperation. Such policy is in the nature of a concession and cannot be claimed as a matter of privilege. The petitioner is already 36 years old. His father, after serving the State, attained the age of superannuation on 31.01.2015. He would have already retired before the date of his demise but for the policy decision of the State. In this background the instruction is required to be examined.

6. The State, upon realizing its mistake, keeping in view the entire facts has taken a decision to withdraw the instructions dated 27.12.2016. Such instructions cannot be said to be suffering from any manifest error.

7. As regards the argument of the learned counsel representing the petitioner that appointments have been given to 14 identically situated

persons, it may be noticed that the petitioner has not challenged their appointments. As noticed, the petitioner cannot claim appointment to public service, without competing with other aspirants, as a matter of right. Moreover, his father died 7 years ago.

8. In such circumstances, no ground to issue the writ as prayed for is made out.
9. Dismissed accordingly.
10. All the pending miscellaneous applications, if any, are also disposed of.

April 11, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No