

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

CWP-11292-2022 (O&M)

Date of decision : 23.01.2023

Riya Singh

...Petitioner

Vs.

LIC of India

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Dassaur, Advocate
for the applicant-petitioner.

Mr. Nitin Thatai, Advocate for the respondent.

MANOJ BAJAJ, J.

CM-1188-CWP-2023

Application is allowed as prayed for.

Annexure P-24 is taken on record.

Main case

Petitioner-Riya Singh has filed this writ petition under Article 226 Constitution of India seeking a writ in the nature of Certiorari for quashing the order dated 27.12.2021 (Annexure P-22) passed by respondent, whereby her request for grant of compassionate appointment on the ground of death of her father was dismissed. Further, prayer is for issuance of a writ of mandamus directing the respondent to grant compassionate appointment to the petitioner.

Learned counsel for the petitioner contends that the petitioner's father, namely, Barinder Singh Thakur was employed with LIC of India, Branch Office Solan as Probationary Development Officer, who died in service on 19.07.2021 and thereafter, she moved an application dated nil (Annexure P-20) before Life Insurance Corporation of India, Chandigarh for

giving her compassionate appointment. He submits that the said claim of the petitioner has been wrongly declined through the impugned order dated 27.12.2021 (Annexure P-22). According to him, the benefit of compassionate appointment in the Life Insurance Corporation is governed by LIC of India Recruitment (of Class III and Class IV Staff) Instructions, 1993, and while drawing the attention of the Court to Clause 21, learned counsel submitted that it provides for relaxation in favour of the near relatives of employee, who either died while in service or retired at least five years prior to the date of superannuation, therefore, in view of this clause, the case of the petitioner for compassionate appointment ought to have been considered favourably. He further submits that as per Clause 3 of the instructions, even if, the widow of the employee is already employed, even she would be entitled to job in corporation in Class III and Class IV cadre, subject to her qualifications. Learned counsel further argued that the claim of the petitioner was declined by the respondent on the ground that her mother is employed, but when she moved the application on 08.12.2021, even her mother had also retired from service. He prays that the impugned order be set aside and a writ of mandamus be issued directing the respondent to grant compassionate appointment to the petitioner.

After hearing learned counsel and considering the facts and circumstances of this case, it transpires that the petitioner's father expired in July, 2021 and concededly at that stage, the petitioner was 24 years old, who is Masters in Science. During the course of hearing, it is not disputed by learned counsel that the petitioner's mother was also in service as school teacher, when petitioner lost her father, who retired on 30.11.2021. Merely because the

petitioner submitted her application for compassionate appointment after the retirement of her mother would not make her eligible for compassionate appointment. Apart from it, learned counsel fairly stated that not only petitioner's mother is drawing family pension after the death of petitioner's father, but she is also getting her own pension, therefore, it is not a case where the family of the deceased employee faced sudden financial crisis. Thus, the respondent while declining petitioner's claim has rightly observed in the impugned order that the mother of applicant was gainfully employed on the date of the death of petitioner's father.

Consequently, in view of the above discussion, this Court does not find it to be a fit case for exercise of extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

23.01.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No