

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

**CWP No. 9530 of 2023
Date of decision : 04.05.2023**

Bhajan Kaur and another ...Petitioners

Vs.

Union of India and another ...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Jatinder Singh, Advocate
for the petitioners.

Mr. N.K. Vashisht, Sr. Panel Counsel
for the respondents-Union of India.

MANOJ BAJAJ, J.

Petitioners have approached this Court under Article 226 Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to give appointment to the petitioner No.2 on the compassionate grounds.

Learned counsel for the petitioners submits that the husband of petitioner No.1, namely, Harvinder Singh was employed with Northern Railway Division Office, Ferozepur Cantt. as TECH I (E), who died in service on 11.07.2018 and it resulted in sudden financial crisis for the family consisting of widow-Bhajan Kaur (petitioner No.1), daughter-Amanpreet Kaur, aged 27 years and sons namely, Jaskirat Singh, aged 26 years and Kanwar Harjeet Singh, aged 19 years (petitioner No.2), as it has become difficult to meet with the cost of living.

Learned counsel has drawn the attention of the Court to the application dated 27.07.2018 (Annexure P-3) submitted by petitioner No.1 before Divisional Railway Manager, Northern Railway, Ferozepur seeking compassionate appointment for her son Kanwar Harjeet Singh, who was a minor and student of 9th Class and submitted that it has been illegally rejected by Divisional Railway Manager vide order dated 16.01.2023 (Annexure P-5), without even considering the facts and circumstances of the case. He submits that no doubt the petitioner No.1 is employed and is getting monthly salary of approximately Rs.1 lac per month, but major part of the salary is being utilized towards clearance of debts. In this regard, he has drawn the attention of the Court to the certificate issued by Union Bank of India dated 25.01.2023 (Annexure P-7). 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 No.2-Kanwar Harjeet Singh.

After hearing the learned counsel for the parties and considering his submissions, this Court finds that the respondents while passing the impugned order have carefully examined the claim of the petitioners for grant of compassionate appointment to Kanwar Harjeet Singh, as concededly not only the petitioner No.1 being gainfully employed is drawing salary of Rs.95,794/- per month, but is also getting monthly family pension of Rs. 30,295/-, after the death of her husband-Harvinder Singh. The argument that the salary drawn by petitioner No.1 is being used for payment of loans is devoid of merit, as expansion of

family expenditure and voluntarily created liabilities/debts by obtaining finance facility beyond means by an earning member cannot be construed as a financial crisis.

Resultantly, finding no merit in this writ petition, the same is dismissed.

(MANOJ BAJAJ)
JUDGE

04.05.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No