

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9694 of 2023 (O&M)

Date of Order:05.05.2023

Maninderjit Singh

.Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Neesh Garg, Advocate, for the petitioner.
Mr. Navdeep Chhabra, Sr. DAG, Punjab

ANIL KSHETARPAL, J

1. The petitioner prays for the issuance of a writ in the nature of mandamus to direct the respondents to compassionately appoint him in the Government service on account of death of his father who died on 10.11.2011. At that time, the petitioner's mother applied to the government to provide employment to the petitioner but the department directed the petitioner to come back after one year on completion of 18 years of age. Thereafter, the petitioner, for the first time, made a representation on 08.01.2022 i.e. after a gap of 10 years.

2. The recruitment through compassionate appointment on priority basis is not normal rule of recruitment. It is only an exception to the procedure prescribed in the recruitment on the civil post. It is in the nature of concession which the employer as per the policy provides to the members of the family of an employee who dies in harness particularly when he was the sole bread earner. This concession cannot be claimed as a privilege. The appointment to a civil post is not heritable right which can be passed from one generation to the other generation on the basis of inheritance.

Moreover, in a recent judgment passed by the Supreme Court in ***The State of West Bengal vs. Debabratta Tiwari and others etc. etc.*** (Civil Appeals No.8842-8555 of 2022, decided on 03.03.2023, it has held that before the Court issues direction to appoint someone on compassionate basis, the Court is required to examine various factors including the financial conditions of the family. In this case, the petitioner's brother has migrated to Australia. Hence, the petitioner does not deserve indulgence from the Court. Moreover, the period of nearly 10 years have elapsed from the date of the death of her father.

3. Dismissed.

4. All the pending miscellaneous applications, if any, are also disposed of.

May 05, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO