

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

CWP No.14098 of 2021(O&M)

Date of decision: 20.04.2023

Kamaldeep Kaur

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Navdeep Chhabra, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. While praying for the issuance of a writ in the nature of certiorari to quash the order dated 26.08.2016, the petitioner in substance prays for a direction to the respondents to appoint her on priority basis on account of the death of her father on 22.06.2013, in harness.

2. The learned counsel representing the petitioner while relying upon the judgment passed by a Division Bench contends that a married daughter is also entitled to be considered for the appointment.

3. On the other hand, the learned State counsel while drawing the attention of the Court to the facts of the case submits that initially the petitioner's brother Sh. Sukhdeep Singh applied for the appointment. The competent authority after taking note of the fact that Sh. Sukhdeep Singh is not a Graduate, gave him opportunity to complete the graduation. After completion of the Graduation, the petitioner's brother informed the competent authority to process his request for the appointment which was

initiated. However, despite repeated opportunities, the petitioner's brother did not come forward because he had by then migrated to Australia. Thereafter, the petitioner applied. From the facts noticed above, it is evident that the same was rejected vide order dated 26.08.2016.

4. 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 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,* 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.

5. Dismissed.

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

April 20, 2023

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Whether speaking/reasoned

Whether reportable

(ANIL KSHETARPAL)

JUDGE

: Yes/No

: Yes/No