

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 14161 of 2016****Date of Decision: 22.05.2023**

Sumeet Sharma

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Sapan Dhir, Advocate
for the petitioner(s).Mr. D.K.Singal, Additional Advocate General,
Punjab, for the respondents.**Anil Kshetarpal, J.**

1. While praying for the issuance of the writ in the nature of certiorari to quash the order dated 06.11.2015, the petitioner, in substance, has prayed for issuance of the directions to the respondents to appoint him on the compassionate basis due to his father's death in harness on 14.05.2010. The request of the petitioner has been rejected on the ground that the petitioner's mother is getting the family pension and the family possesses sufficient property, namely the house and a plot in an urban area.

2. The learned counsel representing the petitioner admits that the petitioner is now 35 years of age. He submits that the State of Punjab, in the various cases, has given appointments to the individuals on the compassionate basis, even though, they possess more property than the petitioner and their family members are also employed.

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3. The concept of the compassionate appointment on priority basis is to immediately support the family who may be left with no source of income on account of the death of the sole bread earner. This is not another regular source of recruitment. The posts are excluded from the normal source of recruitment in order to accommodate such claims which are in the nature of exception. In the *State of West Bengal v. Debabratha Tiwari and Others 2023 AIR SC 1467*, the Supreme Court has laid down the various tests including the test with regard to the nature of property left behind by the deceased. If we apply those tests in the present case, the petitioner has no case.

4. As far as the similar benefits given to the various other persons, it would be noticed that the petitioner is required to stand on his own legs and the illegalities cannot be perpetuated by invoking the doctrine of equality.

5. Keeping in view the aforesaid facts, this Court does not find it appropriate to issue the writ in the present case. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

May 22, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No