

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211/2

CWP No.16406 of 2016
Date of Decision: 04.07.2023

Tanvir Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.Kapil Kakkar, Advocate
for the petitioners.

Ms.Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

The present petition has been filed for assailing the order dated 22.09.2014 (Annexure P-8) wherein his application for consideration for appointment of compassionate appointment was rejected keeping it as time bar.

Counsel for the petitioner further submits that the father of the petitioner was expired on 08.07.1990. In the decision taken by the Apex Court in Umesh Kumar Nagpal Vs. State of Haryana, 1994 SCC (4) 138 it is held as under:-

5. It is obvious from the above observations that the High Court endorses the policy of the State Government to make compassionate appointment in posts equivalent to the posts held by the deceased employees and above Classes III and IV. It is unnecessary to reiterate that these observations are contrary to law. If the dependant of the deceased employee finds it below his dignity to accept the post offered, he is free not to do so. The post is not offered to cater to his status but to see the family through the economic calamity.

6.For these very reasons, the compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which

can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole I (1989)4SCC468:1989SCC(L&S)662:(1989)11ATC878:(1989)4SLR327 breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

In view of above as much time has gone by, no orders for directing the compassionate appointment can be passed.

In view of the above, the present petition is dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

04.07.2023

Raman

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No