

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

119

CWP-13536-2017

Date of Decision : 12.12.2023

Harpreet Banga

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.H.S.Deol, Advocate
for the petitioner.

Mr. Shivoy Dhir, Sr.Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of Constitution of India is seeking setting aside of order dated 03.02.2015 (Annexure P-6) whereby his claim for compassionate appointment has been rejected on the medical grounds.

2. The father of the petitioner was working with respondent-CISF, who died in harness. The petitioner and his brother at the time of death of their father were minor, thus, they could not apply for compassionate appointment. The petitioner applied for compassionate appointment in 2014 and he was invited for physical test. The petitioner cleared physical test, however, there was objection with respect to his medical condition. The petitioner was granted four opportunities but every time, he came to be rejected on the ground of medical condition. The petitioner preferred present petition before this Court. Notice of motion

was issued on 03.07.2017 and following order was passed :

“Notice of motion.

Mr. Shivoy Dhir, Central Government counsel is present and accepts notice on behalf of respondents No.1 to 3.

Learned counsel for the petitioner is directed to furnish 3 sets of paper book to learned counsel for respondents No.1 to 3.

Respondent No.3 is hereby directed to file short reply insofar as consideration of the petitioner's claim on compassionate ground on clerical side. Perusal of communication dated 27.09.2016 it reads that “criteria regarding medical examination be somewhat lower than other posts”. Other than this nothing has been stated regarding consideration of the petitioner's claim under clerical side.

List this matter on 06.09.2017.”

3. The respondent has rejected request of the petitioner for the post of Clerk on the ground that eligibility criteria for Clerk and Constable is same, thus, the petitioner cannot be considered for the post of Clerk.

4. Learned counsel for the petitioner submits that it is unfair to keep same parameters for the post of Constable and Clerk. Brother of the petitioner is also eligible and he may be considered in place of the petitioner.

5. Learned counsel for the respondents-UOI submits that the petitioner was considered four times and he was found unfit. As per laid

down terms and conditions of compassionate appointment, the petitioner cannot be considered for the post of Clerk because physical standard prescribed for Constable as well as Clerk are same. The respondent is a disciplined armed force and respondent cannot deviate from prescribed standards, nevertheless, the case of brother of the petitioner would be considered in accordance with applicable policy as well as law if application is filed.

6. Learned counsel for the petitioner agrees with the aforesaid arrangement.

7. In the wake of statements of both sides, the present petition stands disposed of.

12.12.2023
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>