

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

CWP-20012-2014 (O&M)

Date of decision: 08.02.2023

Satinder Kaur

....Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Tarun Vir Singh Lehal, Advocate for the petitioner

Mr. R.K. Kapoor, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner, while praying for issuance of a writ in the nature of Certiorari, to quash the order passed on 21.08.2013 (Annexure P-7), in substance prays for her appointment on the compassionate basis as her husband died in harness. The relevant facts in brief are required to be noticed herein.

2. Pursuant to the recruitment notice issued in the year 2001 for filling up the posts of Sevdar/Clerk/Veterinary Pharmacist etc., to fill up the backlog of the handicapped candidates, the applications were invited. On completing the selection process, 107 candidates including the petitioner's husband were appointed by the authority. However, in August, 2002, the selection of all the 107 candidates was cancelled, resulting in termination of their services. As many as 82 selected candidates including the petitioner's husband, filed various writ petitions in the High Court for redressal of their grievance. The Division Bench of the High Court allowed the writ petitions and directed the respondents to

reinstate the petitioners in service in the said writ petitions. However, liberty was granted to the State Government take a fresh decision in the matter by the competent authority. Though, the candidates were taken back in service, however, a committee was constituted by the said authority and the committee after examining the matter, recommended termination of their services. Once again, the Government accepted the recommendations so made by the Committee and terminated the services of the candidates including the petitioner's husband. It may be noted here that the Government found irregularities and illegalities in the selection process of the candidates and these orders dispensing with their services were passed after due consideration. This led to yet another round of litigation by the candidates. Ultimately, the Government on re-examining the matter found that appointment of 65 employees out of 107 were in the order whereas there were discrepancies in the selection process of the remaining 43 candidates. The Division Bench, while hearing the Letter Patent Appeals disposed of the matter, while permitting the remaining 43 candidates to file representation before the Government. On re-consideration of the matter, the applications/documents of 8 more candidates in addition to the 65 candidates were found correct whereas the remaining 35 candidates including the petitioner's husband were not given any relief by the Government. Some of the candidates filed the writ petitions again in the High Court, however, the petitioner's husband did not file any writ petition at that point. Hence, qua him, the decision of the Government has become final and binding.

3. The petitioner's husband died on 22.01.2010. Though, the petitioner filed a previous writ petition in 2013, which was disposed of while directing the Government to decide the claim of the petitioner, it has been rejected vide order dated 19.08.2013. Once again, a writ petition has been filed challenging the said order.

4. From the narration of the relevant facts, it is crystal clear that husband of the petitioner was never reinstated in service by the Government. He was not one of the petitioners in the CWP-7598-2010 filed assailing the correctness of the orders passed by the Government. Moreover, a period of 13 years have elapsed. The appointment on the compassionate basis is an exception to the normal rules of recruitment for the families of the employees who die in harness and the family loses its breadwinner. Compassionate appointment is a way used by the Government to help the family of the deceased employee from the hardships it faces due to the unlikely death of their breadwinner. After passage of 13 years, particularly, when the petitioner's husband was not even in the said employment, this Court does not find it appropriate to issue the writ, as prayed for.

5. Hence, dismissed.

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

08.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE