

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 21720 of 2016****Date of Decision: 11.04.2023**

Sandeep Kaur

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Gopal Singh Nahel, Advocate
for the petitioner(s).

Mr. Navdeep Chhabra, Senior Deputy Advocate General,
Punjab, for the respondent No.1 to 4.

Mr. Jai Bhagwan, Advocate
for the respondent No.5.

Anil Kshetarpal, J.

1. The issue which arises for consideration is “whether the compassionate/priority appointment can be given to the two members of the family or not?”

2. The petitioner’s father is stated to have died in a bomb blast incident that happened on 04.02.1992. He was, at that point in time, working in the government service. The petitioner’s brother was appointed as a Patwari on 02.06.2005 on the compassionate basis. Though, the petitioner has not disclosed her date of marriage, however, the learned counsel representing the petitioner admits that she was married prior to the recruitment notice dated 22.01.2016. Though, admittedly, the respondent

No.5 demonstrated greater merit than the petitioner as she secured 20 marks in the interview, however, the petitioner was given appointment on the priority basis even though she had secured only 15 marks in the interview. Subsequently, on a complaint, the competent authority, upon coming to know these facts, passed the order dispensing with the petitioner's service. The petitioner was not appointed on a regular civil post, in fact, it was an appointment on a contract basis under the project.

3. The learned counsel representing the petitioner contends that the services of the petitioner have been wrongly dispensed with on the ground that she is a married daughter. He submits that there was no concealment of the facts on the part of the petitioner as she disclosed her marital status in the application form.

4. The question that arises for adjudication before this Court is not with regard to the concealment of the facts. The question arising for determination is "whether the petitioner can claim appointment on the priority basis even after one family member has already been employed on the same basis." The learned counsel representing the petitioner has tried to make a distinction between the compassionate appointment and priority appointment. In fact, the purpose of both the aforementioned appointments is to make an effort to rehabilitate the dependent family members of the deceased employee who are confronted with an unforeseen and abrupt passing of their sole bread earner. Neither the priority appointment nor the compassionate appointment is a normal rule of service. These are in the nature of exceptions on account of the concession granted by the competent authority to help the family of the deceased employee. There is no dispute

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that the petitioner’s brother has already been given appointment on compassionate basis.

5. Keeping in view the aforesaid circumstances, this Court does not find it appropriate to interfere in the exercise of its writ jurisdiction. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

April 11, 2023
“DK”

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