

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-15147-2023

Date of Decision: 19.07.2023

Gurpal Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. H.P.S. Ghuman, Advocate
 for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Present petition has been filed by the petitioner wherein he has challenged the action of the respondents in rejecting application for seeking compassionate appointment after his father expired on 23.01.2016.
2. Learned counsel for the petitioner submits that the petitioner ought to have been granted the benefit as there is no age provided under the Scheme for Compassionate Appointments, 2002 as notified by the Department of Personnel, Government of Punjab dated 21.11.2002. The respondents have wrongly rejected his application stating that the Rules provided upper age of 22 years.
3. I have considered the submissions.
4. Admittedly, at the time when the petitioner's father expired on 23.01.2016, the petitioner was of about 43 years of age as has come out in Annexure P-14. He was a labourer and was already married. His

elder brother had served in the army and was getting pension. His mother was of 65 years of age. It has also come on record that there seems to be some dispute between the family members, and his eldest brother has stated that the petitioner had married twice, and his father had disinherited him.

5. That apart, the authorities have considered his age and rejected his candidature on the ground that he is above 22 years of age stating that a person above the age of 22 years can be dependent upon the deceased provided if the child above 22 years is mentally weak and is without limb.
6. A look at the Scheme shows that the authorities have defined who can be a dependent family member, and as per Note 1, dependent family member means:

*“a. Spouse; or
b. son (including adopted son); or
c. un-married daughter (including adopted daughter); or
d. un-married brother or un-married sister in the case of un-married Government Servant”*

7. Thus, the first and foremost aspect for consideration of an application would be that the person who is applying falls within the above category of dependent.
8. Admittedly, the petitioner being already married, having separate source of income, and being of somewhere age of 40 years or above could not be said to be dependent upon the deceased Government servant.
9. The very purpose of providing a scheme for compassionate appointment would stand frustrated if persons of middle age or above

having their own source of income and being already married be treated as dependents of the deceased Government servant and granted the same.

10. In *Umesh Kumar Nagpal vs. State of Haryana, reported in 1994 SCC (4) 138*, the Supreme Court has observed as under:

“7.It is needless to emphasise that the provisions for compassionate employment have necessarily to be made by the rules or by the executive instructions issued by the Government or the public authority concerned. The employment cannot be offered by an individual functionary on an ad hoc basis.”

11. Keeping in view above, no right is created in favour of the petitioner for appointment on compassionate grounds.

12. Writ Petition is wholly frivolous and is accordingly *dismissed*.

(SANJEEV PRAKASH SHARMA)
JUDGE

July 19, 2023
Mohit goyal

1. Whether speaking/reasoned?	Yes/No
2. Whether reportable?	Yes/No