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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-23460-2015 (O&M)  
Date of Decision:20.07.2023

**NACHHATTAR SINGH**

.....Petitioner

V/s.

**STATE OF PUNJAB AND OTHER**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

Present: None for the petitioner.

Mr. Vikas Arora, AAG, Punjab.

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**SANJEEV PRAKASH SHARMA, J. (Oral)**

1. The petitioner has preferred this Writ Petition assailing the order dt.13.02.2012 (Annexure P-1) passed by respondent No.3 (Director, Education Department, Punjab whereby his application for compassionate appointment on account of death of his father, who was working as Chowkidar had expired while on duty on 21.10.2011, has been rejected solely on the ground that the applicant is held to be overage as his date of birth is 28.05.1971.

2. The petitioner has pointed out that as per the Scheme for compassionate appointment for the dependents of the deceased Govt. employees, died while in service, the age relaxation can be given upto 5 years and the ground raised for rejection by the respondents regarding petitioner being overage is, therefore, unjustified. It is further stated that the respondents did mention the clause relating to age relaxation in their affidavit/reply of the Govt. instructions dt.21.11.2002 but the same was ignored.

3. *Per contra*, learned counsel for the respondents submits that the petitioner was not eligible for the compassionate appointment as his father was working as Chowkidar as the age relaxation clause could not be applied on him as in the Group C and D posts, upper age limit is 38 years.
4. I have considered the submissions of the learned counsel for the parties and perused the case file as well as the available record.
5. The respondents have admitted in Para 5 of the reply that as per Clause 8 of the Instructions dt.21.11.2002, the upper age could be relaxed by 5 years. The petitioner had applied immediately and therefore, he ought to have been considered for compassionate appointment as he was within age in 2012 after age relaxation. The petitioner would, however, have to file an affidavit to the effect that he is not working anywhere.
6. In view of the aforesaid, the rejection of claim for compassionate appointment is held to be bad in law. But this Court finds that it is too late in the day and no relief can be granted to the petitioner by efflux of time. The rejection order was passed on 13.02.2012 and almost 11 years have passed by, meaning thereby, as of now the petitioner has crossed the age of 51 years and this Court would not direct him to be considered for appointment as he has become overage for compassionate appointment now.
7. Accordingly, the Writ Petition is dismissed.

July 20, 2023

Ess Kay

[ SANJEEV PRAKASH SHARMA]  
JUDGE

|                                    |   |            |   |           |
|------------------------------------|---|------------|---|-----------|
| <i>Whether speaking / reasoned</i> | : | <i>Yes</i> | / | <i>No</i> |
| <i>Whether Reportable</i>          | : | <i>Yes</i> | / | <i>No</i> |