

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

CWP-24466-2014

Date of Decision: August 21, 2023

Rajni Bala

.....Petitioner

VERSUS

Punjab State Power Corporation Ltd. & Ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: None for the petitioner.

Mr. R.L. Sharma, Advocate
for the respondents.

DEEPAK MANCHANDA J. (ORAL)

1. Through this petition, the petitioner being the widow of the deceased employee claimed appointment on compassionate grounds as the same has been rejected by the respondents vide order dated 03/04/2014 (Annexure P-5). Admittedly, the order Annexure P-5 is not under challenge and only writ of mandamus is sought with a prayer for issuance of directions to respondents No.1 to 3 to provide suitable job to the petitioner on compassionate grounds on account of the death of her husband.

2. The facts emanated from the pleadings of this case are that the husband of the petitioner, namely, Joginder Pal expired on 26/09/2008. The petitioner applied for compassionate appointment which had been rejected, however, she was given an amount of ₹3,08,513/- on 22/02/2012 as solatium and also started getting the special pension to the tune of ₹22,724/- per month. When the prayer of the petitioner was not considered, a representation dated 25/03/2014 (Annexure P-4) was submitted with the respondents, which was declined vide order dated 03/04/2014 (Annexure P-

5) on the ground that the petitioner's husband expired on 26/09/2008 and as per Instructions/Policy dated 23/11/2004 applicable at that time, the petitioner was entitled to solatium only which she has already received. However, being aggrieved by the non-consideration of prayer for compassionate appointment, this petition has been filed.

3. Heard

4. A perusal of the order sheets of this case reveals that this matter was tagged alongwith CWP No.12227/2016, which has already been dismissed vide order dated 10/08/2023 by this Court and it has transpired that through said writ petition, the present petitioner sought quashing of the order dated 17/02/2016 vide which her special pension was stopped w.e.f. February 2016. While dealing with the said issue, this Court relied upon Rule 6.17 (4) of the Punjab Civil Services Rules, Volume II, which says that the pension is admissible in the case of widow or widower upto the date of death or remarriage, whichever is earlier. In this case, the petitioner performed 2nd marriage and vide enquiry report dated 28/12/2015 it was found that the petitioner – Rajni Bala performed 2nd marriage with one Manjit Singh son of Chanan Singh resident of village Chungiara on 24/02/2013. Hence, in light of aforementioned Rule, the said writ petition was dismissed. In this case, the petitioner has claimed appointment being the family member and widow of the deceased employee, who has already received the amount of solatium as per policy dated 23.11.2004 applicable at the time of death of her husband, wherein wards/dependents of the deceased were entitled to financial help/solatium only to help the family of the deceased to tide over the financial crisis and not compassionate appointment. However, since the petitioner has already remarried on 24/02/2013 and has

lost the status of dependent/family member of the deceased employee, she is not entitled to any relief as prayed for. Moreover, as per Policy and stand taken by the respondents in the reply, the Policy dated 23/11/2004 was modified by the order dated 07/06/2010 and the options were given to the family of the deceased employee to either accept the solatium or the employment. The said decision was, however, made applicable w.e.f. 16/04/2010 prospectively, and was also further modified/amended whereby the dependents of deceased employees were not to give the option to solatium of the employee, but were to be given employment on compassionate ground, which applied to the cases where the death of employee took place after 4/2/2013. Even in light of the Policy, the claim of the petitioner to be appointed on compassionate ground is not maintainable.

5. In light of the above, this petition is dismissed being devoid of merits.

August 21, 2023
Nisha Yadav

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No