

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22209 of 2018 (O&M)

Date of decision: 10.03.2023

Ravi Kumar Sahota

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deepak Malhotra, Advocate
for the petitioner.

Mr. D.K.Singal, Addl.A.G., Punjab

ANIL KSHETARPAL, J(Oral)

1. In substance, while praying for the issuance of a writ of certiorari, the petitioner prays for a direction to the respondents to appoint him on compassionate basis.

2. Though, the petitioner has not disclosed the date on which his mother late Smt. Vidyavati died during the course of employment, however, on a Court question, the learned counsel has disclosed that she died somewhere in the year 2014. Taking a liberal view of the policy decision, the petitioner was offered appointment as Peon on temporary basis. However, in police verification, it was brought to the notice of the competent authority that FIR No.16, dated 29.02.2012 under the NDPS Act, 1985 has been registered against the petitioner. Hence, the petitioner was not permitted to join the duty by the authorities. Subsequently, he was convicted and sentenced to undergo rigorous imprisonment for a period of 3 years. In the appeal, the conviction has been stayed on the ground that he has two minor daughters and is the only bread earner of his family. The

appeal is stated to be pending.

3. This Bench has heard the learned counsels representing the parties at length and with their able assistance perused the paper book.

4. The compassionate appointment is not an another source of recruitment. It is in the nature of an exception to the normal sources of recruitment. It is only a concession given by the competent authority to help the family who faces adversity on account of the untimely death of the deceased-employee, who may be the sole bread earner of the family. However, looking at the antecedents of the petitioner, this court does not find it appropriate to issue the writ as prayed for. Moreover, around 9 years have already elapsed since the death of the deceased-employee and at present, the petitioner is nearly 43 years old.

5. In *State of West Bengal vs. Debabrata Tiwari and others Etc. Etc.,(Civil Appeal No.8842-8855 of 2022, decided on 03.03.2023)*, the Supreme Court has held that unless the tests laid down in the said judgment are met with, the direction to appoint the petitioner on compassionate basis should not be issued and while passing such a direction, the delay and the source of income of the family should also be taken in consideration. In the present case, the petitioner has not disclosed the sources of his income or the properties in which he may have interest.

6. Consequently, finding no merit, the writ petition is dismissed.

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

March 10, 2023
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(ANIL KSHETARPAL)
JUDGE

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

