

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

CWP-25489-2018

Date of decision : 22.03.2023

Kuldip Singh

..... Petitioner

versus

Pepsu Road Transport Corporation

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vikas Chatrath, Advocate and
Ms. Tanya Sehgal, Mr. Abhishek Sehgal and
Mr. Nitin Kaushal, Advocates
for the petitioner.

Mr. Anil Sharma, Advocate
for the respondent.

PANKAJ JAIN, J. (Oral)

Petitioner prays for issuance of a writ in the nature of mandamus directing the respondents to reconsider the claim of the petitioners for grant of compassionate allowance alongwith arrears and interest thereon.

2. Petitioner before his termination had served respondent-Corporation for 26 years. The regulations applicable provide for compassionate allowance. Relevant regulation reads as under:-

“16. Compassionate Allowance:- No pension shall be admissible to an employee who has been dismissed or removed from service on account of misconduct or misbehaviors but such an employee may be granted a compassionate allowance subject to the approval of the Corporation only in special circumstances for reasons to be recorded in writing.

Provided that the allowance so granted to an employee shall not exceed 2/3 rd of the pension, which would have been admissible to his had he been retired on medical ground.”

3. Petitioner served legal notice dated 15.04.2017 (P-5) to the respondents for grant of compassionate allowance. However, the same awaits adjudication till date. The respondents in their reply claimed that the petitioner went on Ex-India leave and never returned. Even he was applied for extension of leave which finally resulted in order of termination dated 19.09.2003. The claim for grant of compassionate allowance having been made after about delay of 14 years was not worth acceptance.
4. Counsel for the respondents however does not dispute that there is no order on record adjudicating upon the claim of the petitioner. The first effort to deny the same is on basis of written statement.
5. I have heard counsel for the parties and have gone through the records of the case.
6. Having perused provision for compassionate allowance, I find that the same is akin to pensionary benefits, but the same has to be granted only in special circumstances that too for reasons to be recorded in writing. Respondent-Corporation has not applied its mind till date as to whether any such special circumstances exists or not.
7. Resultantly, with the consent of both the parties, the present writ petition is disposed off with the direction to the respondents to consider the claim of the petitioner for compassionate allowance strictly in accordance with law within a period of 12 weeks from the date of receipt of certified copy of this order.

(PANKAJ JAIN)
JUDGE

22.03.2023

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Whether speaking/reasoned : Yes

Whether Reportable : No