

224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.28823 of 2017 (O&M)
Date of decision : 02.02.2023

Rajesh Kumar Petitioner

versus

State of Punjab & anr. Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Abhhinav Singla, Advocate
for the petitioner.

Mr. Sehajbir S.Aulakh, Asstt. A.G., Punjab.

Ms. Monica Chhibber Sharma, Advocate
for respondent No.2-PSPCL.

PANKAJ JAIN, J. (ORAL)

Petitioner seeks writ in the nature of mandamus in the form of directions to the respondents to provide job on compassionate ground in terms of policy dated 06.07.2010 (Annexure P-10).

Reply on behalf of respondents No.1 and 2 has been filed. The same is taken on record.

Father of the petitioner was working as Chowkidar with the respondent-Corporation. While he was on duty on 09.01.2010 there was a dacoity in the office of the respondent-Corporation. While answering the call of his duty, father of the petitioner entered into scuffle with the culprits and received multiple injuries leading to his unfortunate death. The petitioner represented for compassionate appointment. Initially the same was declined on the ground that as per the policy of the Corporation only solatium was payable.

However, later on Corporation took a conscious decision vide Annexure P-10 dated 06.07.2010 wherein the Managing Committee of the Corporation in its meeting held on 02.06.2010 resolved as under :-

“In its meeting 5/2010 dated 02.06.2010, the managing committee, POWERCOM/TRANSCOM, on advice a decision vide memo no 16637/17387/ENG-7(1)239 A/Lose dated 7.6.2010 has been taken, the Board of Directors of POWERCOM/TRANSCO unconditionally has given the confirmation on the same.

Regarding this, you are being informed that the Managing committee on the above mentioned subject, decision has already confirmed by Board of Directors of POWERCOM in its decision in 4/2010 meeting, dated 10.6.2010 at Mohali.

In this regards, you are notified that the legal representatives of the deceased employees shall be given with an option, their cases with regard to employment will be into consideration by the Punjab Government from time to time.

So, you are requested that in this subject that the chief advices in which the dissolved boards on its acceptance after the circular no 5/97 Secretary/Regulation part Memo No: 17752/18472/ADP-56/V:2 Dated 17.2.97, Circular No: 13/99 Memo No 215982/216682/ADP/V:2 dated 15.10.99 and Circular No: 26/2000 Memo No.207606/208255/ADP-66/Lose Dated 29.09.2000 has been sent should be considered for further necessary action. The dependant should be also cleared and confirmed that the decision taken by them is last which cannot be changed later on.”

Thus on the day the claim of the petitioner was to be considered Annexure P-10 had already come into vogue. The aforesaid factual position is not disputed by the learned counsel representing the Corporation. Corporation having taken a conscious decision is definitely bound by the same and the petitioner is entitled to get his claim considered in light thereof.

Resultantly, the present writ petition is disposed off with a direction to the respondents-Corporation to consider the claim of the petitioner within a period of 8 weeks from the date of receipt of certified copy of this order. In case the petitioner is found to be entitled, he be granted compassionate appointment from the date the policy decision was taken. The petitioner would not be entitled for arrears of salary/monetary benefits on the ground of no work no pay. However, he shall be entitled for all notional benefits.

Disposed off accordingly. In case the respondents opine that the claim of the petitioner sans merit, the same be adjudicated by passing a speaking order in accordance with law after affording opportunity of hearing to the petitioner within the time period stipulated hereinabove.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed off.

(PANKAJ JAIN)
JUDGE

02.02.2023

Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No