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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5274-2017 (O&M)

Date of Decision: 02.09.2023

Beant Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Kanav Bansal, Advocate
for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this Writ Petition challenges the order dated 02.02.2017 by which the claim of the petitioner for compassionate appointment has been rejected cancelling his earlier appointment. This Court vide order dated 18.09.2015 in CWP-9039-2014 directed the respondents to pass a speaking order on the claim of the petitioner for compassionate appointment.

2. Learned counsel submits that the petitioner's father was a pensioner, and he and his father as well as other members were solely dependent on his mother who expired while in service. In view thereof, the petitioner would be entitled for compassionate appointment and the earlier appointment order offered to him was correct and legal.

3. I have considered the submissions.

4. Since the petitioner's father was in service and was also drawing pension and his mother was also in service, who expired while in service, it cannot be said that the family has been placed in a penury situation where the

petitioner would be required to be given immediate relief of compassionate appointment.

5. This Court is of firm view that in cases where both husband and wife were in service, and one of them after service has retired while the other has died while in service, case for compassionate appointment does not arise to the dependents. One spouse who has retired cannot be said to be dependent on his/her working spouse, nor can the children born out of their wedlock be said to be dependent on a single parent alone. The immediate needs of the family stand already fulfilled and also pension is being paid to the father of the petitioner.

6. Accordingly, claim of the petitioner for compassionate appointment has rightly been rejected and the appointment granted to him erroneously was rightly cancelled.

- 7. No interference is warranted.
- 8. Writ Petition stands dismissed.
- 9. Pending application(s), if any, also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 02, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |