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

**CM No.2305-CWP of 2023 in/and
CWP No.24493 of 2019 (O&M)
Date of decision : 15.02.2023**

Rekha Rani

.....Petitioner

Versus

Punjab State Power Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Virinder K. Shukla, Advocate
for the petitioner.

Ms. Monika Chhiber Sharma, Advocate
for the respondents-PSPCL.

PANKAJ JAIN, J. (ORAL)

CM No.2305-CWP of 2023

This is an application for placing on record replication to the reply filed on behalf of the respondents with further prayer for exemption from filing certified copies of documents marked as Annexure P-13 to P-15.

For the reasons recorded in the application, the same is allowed. Replication to the reply filed on behalf of the respondents is taken on record. Exemption is allowed as prayed for.

CWP No.24493 of 2019

Petitioner seeks writ in the nature of certiorari/mandamus in the form of directions to the respondents to provide job on compassionate ground in terms of Policy dated 21st of November, 2002 (Annexure P-8) r/w memo dated 4th of February, 2013 (Annexure P-9).

Husband of the petitioner was working as T-Mate respondent-Corporation. While in service, he left the house on 10th of March, 2008 and never returned back. The matter was reported to police. Despite efforts police could not trace him. After 7 years from the date of missing of her husband, the petitioner sought declaration w.r.t. civil death of her husband by way of Civil Suit No.62 dated 30th of May, 2017 . The same stands decreed in favour of the petitioner. On the basis of the said decree, the petitioner was issued Death Certificate of her husband. 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. Petitioner again represented respondent No.2 declining the offer of solatium as offered by respondent-Corporation and sought compassionate appointment in view of memo dated 4th of February, 2013 issued by the respondents. The same reads as under :-

“Memo No.9412/10597/ENG-7(1)239/A dated 4.2.2013

Subject :- Regarding granting employment to the dependants of deceased on compassionate grounds in terms of Punjab Govt. by scraping solatium policy.

Punjab State Power Corporation by its Instructions issued vide Memo No. 16637/17387/ENG-7(1)239/A/Loose dated 7.6.2010 and vide Letter No. 161283/162033/ENG-7(1)239A dated 23.11.2004 regarding granting employment on compassionate grounds gave right to the legal heirs of the deceased employees of the department to select either solatium or employment. But matter was reconsidered by the Administration and in this regard Memo No. 39 dated 12.10.2012 was produced

before Board of Directors, and after considering the same, the Board of Directors in its 23rd meeting which took place at Mohali on 21.12.2012 decided that Punjab State Power Corporation adopts the Instructions fully issued by Punjab Govt. regarding granting employment on compassionate grounds.

The cases of the legal heirs of the deceased employees will be considered only for providing employment on compassionate grounds. The right of select either solatium or employment by the legal heirs of deceased employees as extended vide Memo No. 16637/17337/ENG-7(1)239/A/Loose dated 7.6.2010 is hereby stopped.

This decision will be applicable from the date of issuance of instructions i.e. in those cases, where the death took place on 4.2.2013 or thereafter.

This is being issued with the approval of competent authority.

Sd/-

Chief/Admn IR
PSPCL, Patiala.”

Thus on the day the claim of the petitioner was to be considered Annexure P-9 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.

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.

February 15, 2023
Dpr

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No