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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18696-2023 (O&M)

Date of Decision: 25.08.2023

Nishan Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. A.S. Gagrha, Advocate, for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this Writ Petition claims appointment on the post of driver although he was appointed on compassionate grounds as a class IV employee.
2. Learned counsel submits that he is being asked to perform the duties of a driver and therefore he should be appointed as a driver.
3. The Apex Court in the case of *State of M.P. and others vs. Ramesh Kumar Sharma, reported in 1994(3) SCC 661*, held that a person who has been already appointed cannot have a choice of appointment on a particular post on compassionate grounds. The purpose of appointment of a person on compassionate grounds is essentially to meet out the immediate problems which arise on account of sudden demise of a Government servant.
4. Since the petitioner has already been appointed as a class IV employee on 30.03.2012, he cannot turn around now after almost 10 years to

claim appointment as a driver. Of course, if he is otherwise eligible and in the line of promotion, he can always seek appointment as a driver by open competition.

- 5. Writ Petition stands *dismissed*.
- 6. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

August 25, 2023
Mohit goyal

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