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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-24215-2021 (O&M)
Date of Decision: 14.09.2023

Ritika Pathania

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Rahul Dev Singh, Advocate,
for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Both the counsels are *ad idem* that the issue involved in the present petition with regard to the maintainability of an application for compassionate appointment by a married daughter stands already adjudicated by this Court in ***LPA-462-2021 in State of Punjab and another vs. Amarjit Kaur*** decided on 25.01.2023, and ***CWP-24591-2021 in Jaspreet Kaur vs. State of Punjab and others*** decided on 24.07.2023.
2. The Division Bench of this Court in ***LPA-462-2021*** held as under:

“25. We are of the considered opinion that the exclusion at the outset in the case of a married daughter is apparently arbitrary. As noticed above, the eligibility aspect and the fact that she may be dependent upon the deceased employee would be subject matter of consideration by the competent authority as per the scheme of the Government. The rejection at the threshold only on the ground of gender would be violative of Articles 14 & 15 of the Constitution of India since in contrast similarly situated sibling like the son who may be married and living separately would come within the zone of consideration since in his case, under Clause (b) of Note-I, it is

not that his consideration is excluded being the married son. The policy also further provides that under Clause 6, the eligibility is to be seen and therefore, being excluded by the definition of dependent family member; married daughters are kept out of the zone of consideration of eligibility. Same would thus mitigate against the factor that under Clause 14, an undertaking is also to be given that the family is to be maintained and the property is to be looked after of the deceased Government servant and the appointment can be terminated. Thus, a married daughter is shut out from even applying as she would not come within the zone of consideration whether she is dependent or not but exclusion is only on account of gender and it would be patently discriminatory. The deceased Government employee might have only been blessed with daughters and a widow who is not in a position to take up employment. Merely because the daughters are married would not exclude them from the zone of consideration as they would be in a position to help the widow if they are given employment keeping in view the undertaking which is also to be taken from the said applicant on account of favourable consideration.

26. It has been time and again observed that once a daughter always a daughter while a son might change on account of the fact that he is married and has a wife to look after who could have serious differences with her in-laws. Therefore, in cases of such a situation also, the son would get a right of consideration though married and not on good terms with his parents whereas a married daughter having good relationship with the deceased Government employee and in a position to look after the widow would be excluded.”

3. In view of above, the decision of the respondents in denying the petitioner compassionate appointment solely on the ground that issue was of married daughter of deceased government servant who died while in service is found to be unjustified.
4. The respondents shall now take steps to immediately consider the application of the petitioner already moved earlier, and offer her compassionate appointment on the suitable post of group C/group D as

per her educational qualifications, preferably within a period of 3 weeks.

- 5. With the said observations, present Writ Petition stands *disposed of*.
- 6. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 14, 2023

Mohit goyal

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