

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19438-2023 (O&M)
Date of decision: 22.09.2023

Minakshi*Petitioner*

V/s

State of Punjab and others ...*Respondents*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Harmeet Singh, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

CM-15735-CWP-2023

This is an application under Section 151 CPC for placing on record Scheme for Compassionate Appointments, 2002 for grant of employment in the State services on compassionate grounds dated 04.12.2022 (Annexure P-6).

For the reasons mentioned in the applications, same is allowed and Annexure P-6 is taken on record, subject to all just exceptions.

CWP-19438-2023

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondents for appointment of petitioner in place of her deceased father on compassionate grounds, who died while serving in the department on his official duty due to Covid-19, pandemic.

Learned counsel for the petitioner contends father of the petitioner, namely, Late Sh. Satish Kumar was employed as Junior Assistant in the office of Municipal Corporation, Kapurthala Punjab. At the time of Covid-19, the father of

the petitioner No.1 had been deployed on Covid duty at various places. In March 2020, father of the petitioner got sick and requested the Assistant Commissioner to consider rotation work leave keeping in mind his old age but no action was taken. Due to inaction on the part of the respondents, the health of the father of the petitioner deteriorated over time due to continuous exposure and the he was diagnosed with Covid-19 on 05.09.2020 upon which he was admitted in Goodwill Hospital, Kapurthala on 07.09.2020 and subsequently, due to his bad health he was shifted to Innocent Hearts Multi Specialist Hospital on 09.09.2020 with the diagnosis of Covid Pneumonities, Type-I Respiratory disease, post Covid Lung Parenchymal disease. On 19.09.2020, father of the petitioner suffered sudden cardiac arrest and was declared dead. On 08.05.2020, the Finance Department, Punjab had issued instructions dated 08.05.2020 for grant of ex-gratia of Rs.50 lacs to the dependents of the deceased employee, who died due to Covid-19 while discharging his duties. Learned counsel further contends that the petitioner has served legal notice dated 01.04.2023 (Annexure P-5) to respondents, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondents No.1 & 2 and submits that the respondent No.3 is the competent authority to decide the legal notice.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in

decide the legal notice in accordance with law, by passing a speaking order within
a period of 8 weeks from the date of receipt of certified copy of this order.

The petition stands disposed of.

22.09.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No