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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20357-2023 (O&M)
Date of Decision: 10.10.2023

Manjeet Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Aakash Singla, Advocate, for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of this writ petition challenges the order dated 21.12.2020 whereby respondent No.5 was granted compassionate appointment on account of the death of father of respondent No.5. The petitioner is also younger brother of respondent No.5 and claims that the appointment has wrongfully been given as there was no consent on his part to give appointment to his elder brother/respondent No.5.
2. Learned counsel submits that earlier a panchayat compromise had been arrived at between the brothers and thereafter affidavit had been filed whereby the elder brother/respondent No.5 had promised not to claim any dues/amounts of late father which were to be released in favour of the petitioner. However, subsequently he has filed a writ petition claiming the said amount, and therefore the petitioner has preferred this writ petition challenging his appointment.
3. Learned counsel submits that petitioner had not given any consent and there cannot be said to be an agreement between the brothers.
4. I have carefully considered the submissions and find that both the brothers had entered into a compromise and had given their consent for distribution

of the financial dues which were payable to their late father, and an affidavit was filed by the petitioner stating that he would have no objection to the job being given to his brother i.e. respondent No.5/Avneet Singh. The said affidavit was also considered by this Court in *CWP-10342-2018* wherein notices were issued and there also it was noticed that the petitioner had made subsequent claim for compassionate appointment, and the Court had left it open for the concerned Civil Surgeon, Barnala to take a decision. After the said order having been passed by this Court, respondent No.5 was offered appointment and he has already joined.

5. In view thereof, the present writ petition would not lie, as the orders have been passed in terms of a direction issued by this Court to the Civil Surgeon to take a decision in the matter. The claim of the petitioner appears to be more of a civil nature where he wants certain dues from his brother. It is also noticed that already a civil suit is pending between the brothers before the Additional Civil Judge (Senior Division), Dhuri for declaring the agreement entered into between the parties as null and void and ineffective. No decision has yet been given by the Civil Court in the said suit.
6. Keeping in view the above, no case for interference is made out with regard to appointment of respondent No.5.
7. Writ Petition is wholly misconceived and is accordingly ***dismissed***.
8. All pending applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

October 10, 2023

Mohit goyal

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No