

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

114

CWP-20561-2023

Date of Decision :-20.09.2023

Deepak**...Petitioner**

Versus

State of Haryana and others**... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Satyawan Singh Nain, Advocate
for the petitioner

Mr. Pankaj Middha, Addl. A.G. Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance of the petitioner is that after the death of his father, who was working on the post of driver, the petitioner has been granted compassionate appointment on Group-D post whereas, keeping in view the qualification of the petitioner, the petitioner is entitled for a Group-C post i.e Clerk.

It may be noticed here that as per the 2019 Instructions, under which the petitioner had already been given compassionate appointment on a Group-D post, the appointment on compassionate basis is to be granted on the post lower than the one held by the deceased employee on functional pay scale and the petitioner has already been granted the said benefit which benefit was accepted by the petitioner. The only claim of the petitioner is that he should be given appointment commensurate to his qualification.

The said argument cannot be accepted as once the instructions under which the benefit of compassionate appointment has been accepted by

the petitioner envisaged that the compassionate appointment will be given on the post lower than the one held by the deceased employee.

Even otherwise, in the present case, the respondents offered the Group-D post to the petitioner, which offer has already been accepted by the petitioner and once the dependent has already accepted a particular post on compassionate appointment, as per the settled principle of law settled by the Hon'ble Supreme Court of India in *The Rajasthan State Road Transport Corp. and others vs. Revat Singh* decided on 20.02.2015, petitioner is estopped from claiming a higher post. Relevant paragraph of the judgment is as under:-

“8. In *I.G.(Karmik) and others vs. Prahalad Mani Tripathi* (2007) 6 SCC 162, this Court has held that compassionate appointment can not be granted to a post for which the candidate is ineligible. It is further held in said case that even though higher post was applied for on compassionate ground, when a lower post offered considering qualification and eligibility as per rules was accepted by the candidate, he cannot claim higher post.”

In view of the facts and the settled principle of law noticed hereinabove, no ground is made out to accept the claim of the petitioner as raised in the present petition and the present petition is accordingly dismissed.

September 20, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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