

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 2561 of 2018 (O&M)

Date of Decision: 09.08.2023

Kamal Krishan

... Appellant(s)

Versus

Chief Secretary, Government of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ravinder Malik (Ravi), Advocate
for the appellant(s).

Ms. Vibha Tewari, Assistant Advocate General,
Haryana.

Anil Kshetarpal, J.

CM-6744-C-2018

1. For the reasons stated in the application, the same is allowed and the delay of 346 days in refiling the appeal is condoned.

RSA-2561-2018

2. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

3. The correctness of the concurrent findings of fact arrived at by both the Courts below are challenged by the plaintiff in this second appeal.

4. The plaintiff has been appointed on the compassionate grounds

harness. Through this suit, the appellant claims that he is entitled to be appointed as a Clerk on the compassionate basis. It is well settled that the compassionate appointment is not another source of recruitment. This concession is based on the policy adopted by the State. The purpose of such policy is to support the family members, who, on account of the untimely death of the sole bread earner, are facing dire need of money for sustenance. Both the Courts below, on the appreciation of evidence, have found that the appellant has been appointed in accordance with the aforesaid policy.

5. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of fact arrived at by both the Courts below. Hence, the present appeal is dismissed.

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 09, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No