

110 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25193-2023
Date of decision: 08.12.2023

Suresh KumarPetitioner

V/s

Punjab State Power Corporation Limited and another
...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Devansh Khanna, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

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 to appoint the petitioner on the compassionate ground in view of the notification issued by the Government of Punjab, Department of Power (Energy Branch) dated 27.10.2022 (Annexure P-9) and further directions be issued to the respondents to decide the representation dated 26.09.2023 (Annexure P-10) of the petitioner in a time bound manner.

Learned counsel for the petitioner contends that respondent-Corporation issued a policy/scheme dated 27.10.2022 wherein it is provided that compassionate employment shall be applicable prospectively to only those cases where the date of death of the deceased employee was before 16.04.2010. It is further stated in said policy that those who want to opt for job on compassionate grounds will have to return the complete amount of solatium and the difference of special pension and normal family pension along with simple interest 12% per annum. 25% of this

amount shall have to be deposited by the applicant before the issuance of the

appointment letter and the rest 75% of the amount shall have to be deposited within one year from the date of joining.

Learned counsel for the petitioner further contends that in view of the policy/scheme (Annexure P-9) petitioner applied for compassionate appointment on account of death of his father Deewan Chand, who died on 27.08.2006 while in service with the respondent-Corporation. He draws attention of this Court to the list (Annexure P-11) circulated by the respondents, where the claim of the petitioner was considered and his name depicts at Serial No.110 of the said list. He also refers to the application/representation dated 26.09.2023 (Annexure P-10) submitted by the petitioner, where petitioner undertook to pay back the solatium amount, however, shown his inability to pay the interest amount thereon.

However, at this stage, learned counsel for the petitioner on instructions submits that petitioner is ready to return the solatium amount with interest in terms of Scheme/Policy of the respondent dated 27.10.2022 (Annexure P-9).

Notice of motion.

Ms. Harpriya Khaneka, Advocate accepts notice on behalf of respondents-PSPCL and does not dispute the prayer made by learned counsel for the petitioner.

In view of the Policy/Scheme for compassionate appointment and categorical statement made by learned counsel for the petitioner, respondents are directed to consider the claim of the petitioner in view of the Scheme/Policy of the respondent dated 27.10.2022 (Annexure P-9).

The petition stands disposed of accordingly.

(DEEPAK MANCHANDA)
JUDGE

08.12.2023
Sapna