

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-1320-2024
Date of Decision: 09.04.2024

Sarabjeet Kaur Petitioner

Vs.

P.S.P.C.L and others Respondents

**CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON’BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Sahil Soi, Advocate
for the petitioner.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner by way of present writ petition, claims compassionate appointment. She submits that she is the daughter-in-law of the deceased-Government Servant, who died while in service. It is further submitted that her husband (son of the deceased-Government servant), had applied for compassionate appointment, but the respondents granted him the solatium. She claims compassionate appointment by filing the present writ petition before this Court. However, before orders could be passed with respect to grant of compassionate appointment to the husband of the petitioner, he has also expired. The respondents, in terms of the directions issued by this Court on 27.10.2022 passed in CWP No. 8965-2016, sent a sum of Rs.3,00,000/- as offered to her husband by way of solatium.
2. Learned counsel for the petitioner submits that the petitioner is not interested in solatium but her interest is for compassionate appointment, in lieu of her husband, who was entitled for the same on account of his father’s death.

Unfortunately, her husband has also expired and after the death of her husband, she is now claiming compassionate appointment.

3. We have considered the submissions and found that in terms of the scheme providing for compassionate appointment to dependent members of family of the deceased-Government Servant, who died while in service, are spouse, son, unmarried daughter, unmarried brother and unmarried sister. Thus, the daughter-in-law is not included in the said category of dependent family members. Of course, the deceased-son (husband of the petitioner) was entitled to be treated as dependent family member. However, since he has also expired, the compassionate appointment under the scheme, cannot be offered to the petitioner, who cannot be said to be dependent upon the father-in-law (deceased-Government servant).

4. This Court is also conscious of the fact that so far as appointments offered on compassionate ground are concerned, they are under the benevolent scheme for the purpose to help the dependent family members, who are in financial stress on account of sudden death of the earning member of the family. However, it cannot be said to be source of recruitment or employment. Our view is supported by a case titled as *Umesh Kumar Nagpal vs. State of Haryana*, 1994 SCC (4) 138.

5. In view of the above, no relief can be granted to the petitioner and the writ petition is dismissed.

6. However, learned counsel for the petitioner has prayed that solatium already granted to the petitioner be allowed to be released to her, as the said amount offered to her, was not accepted by her at that point of time.

7. In view of the above position, the petitioner is at liberty to take steps and move appropriate application before the authority concerned, for

release of solatium amount and upon such application, if moved by the petitioner, the respondents shall release the solatium amount, preferably within a period of three months from the date of receipt of certified copy of this order.

[SANJEEV PRAKASH SHARMA]
JUDGE

[SUDEEPTI SHARMA]
JUDGE

April 09, 2024
G Arora

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