



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(222)

CWP No. 2615 of 2020 (O&M)
Date of Decision : 27.09.2024

Bikram Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. R.K. Arya, Advocate for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the claim of the petitioner has been rejected only on the ground that there is a delay in raising the said claim.
2. Learned counsel for the petitioner submits that as per the instructions, where a claimant of compassionate appointment is minor at the time of the death of the employee, he/she can claim the said benefit within one year on attaining the age of majority or the qualification required for the post and in the present case, the petitioner attained the age of majority on 20.05.2015 and thereafter on 11.05.2015, the petitioner passed the 12th examination, but the claim of the petitioner has been rejected on the ground that the petitioner filed the application in July, 2016, which is after a period of one year.



3. Learned counsel for the petitioner submits that the petitioner has attached Annexure P-8 by which he awarded the certificate of passing 12th Standard, which makes it clear that said certificate was received on 16.01.2016, hence, he applied for compassionate appointment within a period of one year of the receipt of the certificate of passing 12th Standard though, the said certificate is dated 11.05.2015, hence the respondents should have calculated the period of one year from the date the petitioner received the certificate and not from the date of issuance of the certificate.

4. Learned State counsel submits that the date of qualification is to be seen from the certificate only and not from the date when the petitioner went to receive the certificate, hence, the claim of the petitioner has rightly been rejected.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The petitioner is seeking the compassionate appointment. While considering the claim of a candidate, who is seeking appointment on compassionate ground, the same has to be considered sympathetically. Though the certificate of passing 12th Standard was issued by the examining body on 11.05.2015 but from Annexure P-8, which is a register maintained by the School Authorities as to when the certificate was issued to the candidate concerned, the petitioner is stated to have received the same in January, 2016 and the petitioner applied in pursuance to the said document in July, 2016.

7. That being so, the respondents should have considered the claim of the petitioner for compassionate appointment as same was claimed within



the appropriate time frame, hence, the impugned order dated 29.04.2019 (Annexure P-6) is set-aside. The respondents are directed to consider the claim of the petitioner in accordance with law by passing an appropriate speaking order within a period of eight weeks of the receipt of copy of this order.

- 8. Present petition is disposed of in above terms.
- 9. Pending miscellaneous application, if any, also stands disposed of.

September 27, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No