

2024:PHHC:019186

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

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CWP-1735-2024 (O&M)
Date of decision: 12.02.2024

Sarabjit Kaur and Another

Versus

State of Punjab and Others

....Petitioners

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.S. Bajwa, Advocate for the petitioners

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus praying for directing the respondents to consider and appoint the petitioner No.2 on the basis of the compassionate policy of the State of Punjab.
2. Learned counsel would contend that petitioner No.2, who was married and now divorced, is not being granted compassionate appointment, on account of the fact that she is not covered under the definition of ‘family’, as per the Rules. However, this issue already stands decided in her favour by a Division Bench of this Court in **State of Punjab vs. Amarjit Kaur** on 25.01.2023, Annexure P8, against which no SLP has been filed and rather the judgment was implemented, wherein it was held that a married would form part of the ‘family’ and thus, entitled compassionate appointment. In this regard, a representation dated 07.11.2021 (Annexure P-5), has been submitted by her, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in a time bound manner by

granting her an opportunity of hearing.

3. Notice of motion.
4. At the asking of the Court, Mr. Gagneshwar Walia, Addl. AG, Punjab accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.
5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the representation/application dated 07.11.2021, Annexure P-5 and decide the same, taking note of the judgment referred to, by the petitioner, within a period of 2 months and if found entitled, necessary benefit be granted to her forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner therewith.

(AMAN CHAUDHARY)
JUDGE

12.02.2024
M.Kamra

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