



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CWP No. 4468 of 2021
Date of Decision : 22.05.2024

Ms. Parveen

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tushar Gautam, Advocate for the petitioner.
Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the claim of the petitioner is for the grant of compassionate appointment to the petitioner.
2. Learned counsel for the petitioner argues that the father of the petitioner namely, Sunil Kumar, who was working with the respondents as a Clerk, unfortunately died while in service on 26.06.2000. Learned counsel for the petitioner submits that at the time of the death, the petitioner was only one and half years old as per the Secondary School Certificate issued by CBSE, New Delhi and she only raised her claim on attaining the age of majority, which is perfectly valid and hence, keeping in view the Policy which was available at the time of the death of the father, the petitioner is entitled to get the compassionate appointment.



3. Learned counsel for the respondents, on the other hand, submits that as per the Instructions issued in the year 1999, the compassionate appointment could only be granted in case the same was claimed and allowed within a period of 3 years of the death. In case of any account the benefit of appointment has not been given within a period of 3 years of the death, the same cannot be given. Learned counsel for the respondents further submits that by placing reliance upon the said Instructions of the year 1999, the Division Bench of the Court while passing order in LPA No. 160 of 2021 titled as ***Tinku Vs. State of Haryana and others***, decided on 22.03.2022, has already rejected the similar claim, wherein the son of the deceased was minor at the time of the death and could not get appointment, hence, the petitioner is not entitled for the grant of compassionate appointment.

4. Learned counsel for the petitioner has not been able to rebut the sad contention.

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

6. Keeping with the fact that the question of law raised in the present petition has already been decided by the Division Bench in ***Tinku's case (supra)***, wherein, the similar relief claimed, has already been declined, no ground is made out to grant the compassionate appointment to the petitioner after a period of 24 years after death of her father. The petitioner has not been able to rebut the contention that the



judgment of the Division Bench in *Tinku’s case (supra)* is contrary to the claim raised in the present petition, hence, the present petition is dismissed in terms of the order passed by the Division Bench in *Tinku’s case (supra)*.

May 22, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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