

2024:PHHC:021719

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-5624-2020 (O&M)
Date of decision: 15.02.2024

Janpreet Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. RK Arora, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY J.

1. The prayer in the present Civil Writ Petition filed under Article 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari for quashing the order dated 26.11.2012, passed by respondent No.2, whereby, the claim of the petitioner for service on compassionate grounds has been denied.

2. Learned counsel for the petitioner would contend that father of the petitioner had passed away on 13.05.2006, whereafter an application for compassionate appointment was submitted within the prescribed period but the same was declined on the ground that his mother was working at the time of death of his father. The factum of she having retired at the time of consideration of the application was not taken into account. Reference was made to the 2002 Policy and the Instructions dated 18.07.2005 (Annexure P3) wherein, it has been categorically mentioned that the Department shall satisfy itself that in deserving cases even where there is already an earning member, the claim for compassionate appointment with prior approval of the Secretary can be considered, taking into note of the number of dependants, assets and liabilities left by the government servant, income of the earning member as also the liabilities, including the fact that the earning member is residing with the family of the government servant. Subsequently, vide letter dated 22.12.2006, an affidavit of head of the family stating family's annual income from all sources, immovable/moveable property, liabilities/assets was sought, which was also submitted on 09.02.2007 (Annexure P29) but the matter remained pending. However, vide order dated 26.11.2012 (Annexure P12), it again came to be rejected on the same very ground of his

mother being in government service at the time of death of his father, without taking into consideration the policy/amended instructions, as also the documents as sought and submitted by the petitioner. Even the appeal met with the same fate which was rejected by observing therein that his case already stood rejected. He prays that liberty be granted to him to bring to the notice of the authorities all these facts supported by documents to substantiate the same, for which he would file a representation/legal notice within four weeks. 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 him an opportunity of hearing.

3. Learned State counsel has no objection to the limited prayer made.

4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction that in case the petitioner submits a representation/legal notice within a period of four weeks, the same shall be considered by the respondents and decided in the peculiarity of the facts and circumstances of the case by taking a sympathetic view in the matter, within a period of four months and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner.

(AMAN CHAUDHARY)
JUDGE

15.02.2024
ashok

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