

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:108459



208

CWP No. 9187 of 2000 (O&M)
DECIDED ON: 20th August, 2024
.....PETITIONER

Jaswant Rai

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arshnoor Singh Chugh, Advocate for petitioner.
Mr. T.P.S. Chawla, Sr. DAG Punjab.

HARSIMRAN SINGH SETHI, J (ORAL)

Learned counsel appearing on behalf of petitioner submits that the appointment granted to the petitioner on compassionate ground keeping in view the fact that brother of petitioner had died in a terrorist attack, was sought to be withdrawn by the respondents on the ground that the petitioner was not dependent upon his younger brother, who had died in the terrorist attack. Learned counsel for the petitioner further submits that the appointment was given to the members of families who lost their loved ones due to the terrorist attacks, the petitioner was granted compassionate appointment. Learned counsel for the petitioner further submits that after passing of the impugned order dated 12.07.2000, (P-9), while issuing notice of motion, the operation of the said impugned order was stayed by the Division Bench of this Court on 20.7.2000, which interim order was made absolute by the Division Bench, while admitting the writ petition on 10.10.2002 and consequently, the petitioner is working with the respondent for the last 26 years.

Learned counsel for the petitioner submits that as the petitioner is already nearing his retirement, the respondent be directed not to implement the impugned order any further.

Learned State counsel submits that though the benefits of appointment were given on the basis of a certificate which was issued by the Authorities concerned but as subsequently, it was found that the certificate, on the basis of which the petitioner was given appointment, was not validly issued, the services of the petitioner were terminated.

Learned State counsel conceded that the petitioner is continuously working with the respondent-Department for the last more than 28 years and is nearing retirement.

Keeping in view the facts and circumstances of the present case as, by an interim order, the petitioner continued in service and has continuously performed the duties with the respondent-Department for 28 years, throwing him out at this stage will cause severe prejudice not only to him but to his family as well.

It may be noticed that compassionate appointment was granted by the respondent-Department on the basis of a certificate of dependency issued by the Authorities concerned and there is no concealment on the part of the petitioner to secure the job on compassionate basis, hence, by keeping the question of law open, the respondents are directed not to give any effect to the impugned order any further.

Present petition is disposed of in the above terms.

Pending miscellaneous application, if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

20th August, 2024
reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>