

108

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6693-2019

Date of Decision:16.01.2024

SAROJ BALA

..... Petitioner

Versus

UNION OF INDIA AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. R.D. Yadav, Advocate
for the petitioner.

Mr. Amit Arora, Senior Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to grant compassionate appointment under ex-gratia scheme to the son of the petitioner.

2. The husband of the petitioner joined respondent Organization on 21.11.1989 as SDO-III. He passed away on 23.11.2006 in harness. He was survived by his wife and three children. The petitioner applied for compassionate appointment of her son. The respondent in terms of instructions dated 07.10.2014 issued by DOPT considered claim of the petitioner, however, son of the petitioner could not be appointed because of shortage of vacancy.

3. Learned counsel for the petitioner submits that application of the petitioner is still pending with respondents and they have not passed

any order rejecting or accepting claim of the petitioner.

4. Per contra, learned counsel for the respondents-UOI submits that Departmental Screening Committee in 2015 considered claim of 47 applicants including son of the petitioner and there were three vacancies which were filled up, however, all the candidates could not be selected because of limited vacancies.

5. I have heard the arguments of both sides and with the able assistance of learned counsels have perused the record.

6. From the perusal of reply, it comes out that case of the petitioner was considered in 2015 and it was rejected on account of limited vacancies. The relevant extracts of the reply read as:

“(viii)That the Departmental Screening Committee was again constituted for considering applications received for compassionate appointment, during 2015. The Committee considered all such 47 applications received till 2015 for filling up 03 vacancies each of Sub-Divisional Officer Grade-III (now SDO-II after merger), Upper Division Clerk and Hindi Typist on compassionate grounds.

The name of Shri Ranbir Singh son of Late Satyabir Singh Yadav was also considered alongwith other applicants for compassionate appointment. The Committee relied upon DoP&T O.M. No.14014/2/2012-Estd. (D) dated 07.10.2014, which states that "Ministries/Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government servant took place long back, say five year or so. While considering such belated requests it should, however, be kept in view that the concept of compassionate appointment is largely related to the

need for immediate assistance to the family of the Government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence...". As there were large umber of applications viz-a-viz the number of vacancies, the Committee accordingly decided to consider the application from the deceased Govt. employee who expired on 2010 onwards. Copy of DOP&T letter dated 07.10.2014 is enclosed herewith as Annexure R/6.”

7. The petitioner has filed application seeking compassionate appointment and respondent has not rejected application of the petitioner. The son of the petitioner could not be appointed because of limited vacancies. In the absence of vacancies, this Court cannot ask respondents to accommodate petitioner especially when husband of the petitioner had passed away in 2006 and respondent in 2015 had considered claim of the petitioner. Nevertheless, this Court is sanguine of the facts that respondents as and when vacancy arises and son of the petitioner is found eligible, he would be considered.

8. Disposed of in the above terms.

(JAGMOHAN BANSAL)
JUDGE

16.01.2024
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No