



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

117

CWP-5969-2024**Date of decision: 16.05.2024****SURENDER KUMAR****....PETITIONER****Vs.****INDIAN OIL CO. LTD. AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Mr. Neeraj Goel, Advocate
for the petitioner.

Mr. Ashish Kapoor, Advocate
for the respondents.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to consider him for compassionate appointment in terms of Clause 6 of the Superannuation Benefit Fund Scheme (hereinafter referred to as 'SABF Scheme').

2. The father of the petitioner was working with respondent-IOCL. He, while in service passed away on 13.08.2020. In terms of SABF Scheme, the petitioner opted for compassionate assistance which is payable for 15 years or life time whichever is longer. He since March' 2021 is getting compassionate assistance.

3. Mr. Neeraj Goel, Advocate submits that petitioner may be permitted to opt for second option i.e. compassionate appointment instead of compassionate assistance.



CWP-5969-2024

-2-

4. Mr. Ashish Kapoor, Advocate submits that petitioner consciously opted for compassionate assistance and in any case he was not eligible for compassionate appointment, thus, the present petition is not maintainable.
5. The petitioner is getting compassionate assistance since March’ 2021 which indicates that he consciously opted for compassionate assistance and after the expiry of 3 years, he wants to take benefit of second option which, as per respondent, is not even otherwise available to him.
6. In the wake of peculiar facts and circumstances, this Court does not find it appropriate to direct the respondents to extend benefit of compassionate appointment.
7. Dismissed.

16.05.2024
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[JAGMOHAN BANSAL]
JUDGE

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