

2024:PHHC:021508

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-13545-2019 (O&M)
Date of decision: 15.02.2024

Sukhdeep Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Gurmohan Singh Bedi, Advocate and
Mr. Pawandeep Singh, Advocate for the petitioner.

Mr. Manipal Singh Atwal, 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 14.09.2018, Annexure P-11 passed by respondent No.1, whereby, the claim of the petitioner for appointment on compassionate grounds, has been denied.

2. Learned counsel would submit that the father of the petitioner, who was working as a Sub Inspector in the Punjab Police, had alongwith his mother unfortunately passed away in a road accident on 03.12.2014, leaving him and his sister behind as orphans. The petitioner, who was matriculate at that time, applied for compassionate appointment for the post of Constable on 12.06.2015 and thereafter, on completion of 12th in the year 2016, he submitted yet another application on 02.08.2016. The subsequent application was stated to be filed after delay of 8 months, the reason for which was that he was pursuing a requisite qualification i.e. 10+2, for his consideration to the post of Constable. The Director General of Police, Punjab, respondent No.2 had vide letters dated 30.05.2018 and 11.09.2018 (Annexures P9 and P10) addressed to the State, respondent No.1 requested to condone the said delay. However, his case was rejected vide order dated 14.09.2018 (Annexure P11), by merely stating it to be not covered under the Instructions dated 21.11.2002 (Annexure P13). Learned counsel further submits that as per the Clause 13-A of the said Instructions/Policy, genuine belated request with cogent reasons for compassionate appointment can also be entertained even 5

years from the date of death of an employee. Besides, the aforesaid, even relaxation as per Clause 6 can be granted in age as well. Reliance is placed on the judgment passed by Hon’ble the Supreme Court in **Ganesh Shanker Shukla vs. State of UP and another**, 2023(176) FLR 936, wherein a delay of 17 years in submitting application was also condoned and compassionate appointment was granted. The petitioner acquired the requisite qualification for the post of Constable and deserves to be considered and appointed as such. These aspects have not been taken into consideration by the competent authority. He prays that liberty be granted to him to bring to the notice of the authorities all these facts supported by documents to substantiate, 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 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 3 months and if found entitled, necessary relief be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

15.02.2024
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No