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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14861-2024
Date of decision : 03.07.2024

JAGMAIL SINGHPetitioner

Versus

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. J.P.S. Sidhu, Advocate
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of present writ petition, the petitioner has laid challenge to the order dated 18.01.2024 whereby the claim of the petitioner seeking compassionate appointment for his son stands rejected.

2. Petitioner was working with the Punjab Police as ASI and retired as Inspector. He claims to have participated in the fight against terrorist during the time State of Punjab was facing separatist movement. He claims that during the course of public encounters he suffered injuries and the same is evident from the contents of following FIRs :

1. FIR No.59, dated 30.12.1991, U/s 307/34 IPC, 25 Arms Act, 3/4 TDA Act, PS Balianwali.
2. FIR No.15, dated 11.03.1992, U/s 307/34/224/225 IPC, 25 Arms Act, PS Balianwali.

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3. FIR No.102, dated 31.12.1990, U/s 307, 148, 149 IPC, 25 Arms Act, PS Sadar Moga, District Faridkot.”

3. Reference is being made to MLR placed on record as Annexure P-5 which shows that the petitioner suffered multiple lacerated wounds. The petitioner approached this Court earlier by way of CWP No.3777 of 2019 which was decided vide order dated 25th of August, 2023 directing the respondents to consider his claim for appointment on compassionate ground.

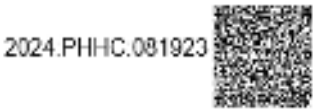
Relevant part of the order reads as under:

“3. Learned State counsel submits that if the petitioner submits his representation and upon issuance of appropriate certificates, the case of son of the petitioner for appointment on compassionate ground may be considered.

4. Having noticed the aforesaid facts, this Court partly allowed this petition to the extent that if the petitioner’s representation is filed within one month henceforth, the same shall be considered and appropriate certificate will have to be issued, which would be considered for the purpose of compassionate appointment of his son. The said exercise shall be conducted within a period of three months from today.”

4. In compliance of the said order competent authority has passed order dated 18th of January, 2024 placed on record as Annexure P-20 which is the subject matter of the challenge in the instant writ petition.

5. The claim of the petitioner seeking compassionate appointment for his son stands rejected on the ground that as per the policy instructions issued vide later No.11/105/98/4PP11/14420 dated 21st of November, 2002,



the appointment on compassionate ground can be granted to the dependant family members of the persons who were either killed in the terrorist action in the State of Punjab or suffered permanent disability to the extent of 10%.

6. Counsel for the petitioner is not in position to dispute that though the petitioner participated in the terrorist action and suffered injuries but fortunately he does not fall in either of the categories.

7. In view of above, this Court does not find any reason to entertain the present writ petition and the same is dismissed.

8. However, it is clarified that so far as entitlement of the son of the petitioner for certificate is concerned, the same shall abide by the order passed in the earlier writ petition.

9. Ordered accordingly.

July 03, 2024			(Pankaj Jain)
Dpr			Judge
	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No