

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

116

CWP-10221-2023

Date of Decision: 30.01.2024

Kayushap

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Sandeep Godara, Advocate
for the petitioner.

Mr. Narender Kumar Vashisht, Sr.Panel Counsel
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking appointment on compassionate ground.

2. Father of the petitioner was working as driver with respondent who passed away on 09.02.2008. The respondent vide letter dated 08.04.2008 apprised the mother of the petitioner as to whether she or any other dependant was desirous of getting employment on compassionate ground. The mother of the petitioner informed the respondent that her children are minor and her son may be considered after attaining the age of majority. The petitioner was 10 years old in 2008 and was studying in 5th class. The petitioner has made representations to respondent to consider his case for appointment on compassionate ground and served legal notice

dated 01.04.2022 (Annexure P-4), however, there is no response from the respondents.

3. Learned counsel for the petitioner submits that respondent may be directed to consider case of the petitioner sympathetically.

4. Learned counsel for the respondents submits that vide communication dated 04.06.2008, the mother of the petitioner was specifically informed that her elder daughter is major and she can be considered for compassionate appointment. She was further informed that compassionate appointment is not a matter of right and her claim would not be considered at later stage. The petitioner has not disclosed this fact in his petition which amounts to concealment of fact.

5. It is settled proposition of law that compassionate appointment is neither vested nor fundamental right. The compassionate appointment is made to save the family from destitution. On account of death of bread earner, the family may be facing financial hardship. The Government as well as different organizations have framed policy for the compassionate appointment. The Courts time and again have held that compassionate appointment cannot be claimed after the expiry of a substantial period because efflux of time indicates that family is able to survive without compassionate appointment. In the case in hand, as noted in the letter dated 04.06.2008, the mother of the petitioner is getting family pension and she might have received other terminal benefits of her deceased husband. The father of the petitioner passed away on 09.02.2008 and respondent twice offered appointment on compassionate ground, however, mother of the petitioner did not opt for compassionate appointment. The petitioner, at this stage, cannot claim benefit of compassionate appointment.

6. In the wake of aforesaid discussion and findings, the present petition deserves to be dismissed and accordingly dismissed. However, it is made clear

that dismissal of this petition would not inhibit the respondents to consider claim of the petitioner at a later stage.

(JAGMOHAN BANSAL)
JUDGE

30.01.2024
anju

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