



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

**CWP-12509-2024**

**Reserved on : 24.09.2024  
Date of decision : 01.10.2024**

Gurpreet Singh .....Petitioner

Versus

State of Punjab and others .....Respondents

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present : Mr. Satbir Singh Gill, Advocate  
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

Mr. Gurnoor Singh Sethi, Advocate  
for respondents No.2 to 4.

**NAMIT KUMAR, J.**

1. The petitioner has invoked the jurisdiction of this Court by filing the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, directing the respondents to consider the case of the petitioner for appointment on compassionate ground by giving relaxation in depositing the 25% amount of special pension and solatium within 07 days and balance of 75% amount within one year, quarterly or monthly basis with interest. Further directing the respondents to recover the amount of special pension and solatium from the salary of the petitioner and provisionally consider the application of the petitioner for compassionate appointment, during the pendency of the present petition.

2. The facts of the case, as have been pleaded in the present

petition, are that the father of the petitioner namely Sh. Jagtar Singh was working as Bulldozer Operator with respondent No.4-Guru Nank Dev Thermal Plant, Bathinda. On 30.08.2005, while performing his duties, the roof of the Bulldozer broke down and fell on the back bone of Sh. Jagtar Singh, who got admitted in the P.G.I., Chandigarh, where the doctors found his spinal cord cervical vertebrae (fracture of lamina), all broken and fractured and on 21.09.2005, he succumbed to the injuries at the age of 50 years. Thereafter, mother of the petitioner had submitted representation to the respondents for compassionate appointment of the petitioner. However, the same has been rejected by the respondent-department vide letter dated 25.05.2006 on the ground that the respondent-department issued policy/instructions dated 23.11.2004, whereby instead of giving appointment on compassionate basis, the payment of Rs.3,00,000/- has been provided in the shape of solatium and mother of the petitioner was granted benefit of payment of solatium as per the said policy/instructions. The petitioner served a legal notice dated 27.02.2012, through his counsel, however, no action was taken on the same. Thereafter, the petitioner approached this Court by filing *CWP No.18900 of 2012 tilted as 'Gurpreet Singh Vs. State of Punjab and others'* seeking appointment on compassionate ground. However, the same was dismissed as withdrawn, vide order dated 16.01.2013, with liberty to the petitioner to approach the Civil Court to establish his case. Pursuant to the order dated 16.01.2013, passed by this Court, the petitioner approached the Civil Court seeking relief of compassionate appointment. However, he lost before the Civil Court as well as before the First Appellate Court. Thereafter, the petitioner again approached

this Court by filing regular second appeal bearing *RSA No.4668 of 2018 titled as 'Gurpreet Singh Vs. Punjab State Power Corporation Limited and others'*. The said regular second appeal was withdrawn by the petitioner vide order dated 22.09.2023, in view of the new scheme dated 06.12.2022, issued by the respondent-department for compassionate appointment to the wards of the employees, who expired before 16.04.2010, who have earlier been covered under solatium policy. As per the said scheme, one of the condition is that the difference of special pension and normal pension and amount of solatium is required to be deposited, 25% amount within 07 days and balance 75% amount within one year that can be in lump-sum, half yearly, quarterly or monthly basis and 12% annual simple interest shall be charged on the balance recoverable amount till the realization and the applicant/wards of the died employee must submit an affidavit that he will comply with all the conditions mentioned in the scheme. Thereafter, on 28.12.2022, the petitioner applied for compassionate appointment as per the scheme dated 06.12.2022 and also submitted an undertaking to the effect that he has not received any amount on account of solatium and special pension as the same was received by his mother. Vide communication dated 05.01.2023, the application in original was returned to the petitioner stating therein that he has not submitted an undertaking to the effect that he will deposited 25% amount within 07 days. Thereafter, the petitioner time and again made request for compassionate appointment on the basis of scheme dated 06.12.2022 by granting him relaxation to deposit 25% of benefit already granted to his mother. The respondent-department categorically communicated to the petitioner that the benefit

of the compassionate appointment cannot be granted to him unless conditions as prescribed in scheme dated 06.12.2022 are fulfilled by the petitioner. Hence, the present petition.

3. On receipt of advance copy of the writ petition, learned counsel for respondents No.2 to 4 has filed reply, wherein it has been stated as under :-

“xx xx xx xx xx

10. *That at the outset it is submitted that petitioner vide this present writ petition is seeking compassionate appointment on the basis of scheme dated 06.12.2022 by giving him relaxation to conditions as prescribed therein, however has not challenged the conditions of said scheme through present writ petition. Therefore, his prayer qua relaxation of prescribed conditions in scheme dated 06.12.2022 is devoid of any merits and is not maintainable and is liable to be rejected.*

11. *That the present writ petition is not maintainable as petitioner's mother Smt. Jaswinder Kaur is not a party in present writ petition, to whom entire benefits of solatium and family pension as well as special pension were granted as she was the only person who was entitled for the same.*

12. *That furthermore, claim of the petitioner as to his right for compassionate appointment already stands adjudicated and has attained finality, whereby same stands rejected by Ld. Civil Courts below and Regular Second Appeal preferred by petitioner already stands withdrawn without any liberty granted to him.*

13. *That even as per the scheme dated 06.12.2022 (P-4), an option has been granted to dependents of deceased employees to opt for compassionate appointment subject to deposit of benefits received by them earlier and no*

*equitable right for the grant of compassionate appointment stands conferred upon him.*

*14. That in present case family of the petitioner already stands granted entire financial benefits permissible to them as per the relevant policy. Furthermore, it is a settled principle of law that dependents of deceased are entitled to only one benefit i.e either Financial Assistance in form of solatium and special pension or compassionate appointment and after availing one of them cannot seek other at a later stage.”*

4. Learned counsel for the petitioner submits that it was not possible for the family of the petitioner to deposit the huge amount along with interest within a very short span of time as the father of the petitioner died leaving behind them in financial crises. Therefore, the petitioner seeks relaxation in such condition mentioned in the scheme. He submits that the petitioner is ready to give undertaking to deposit the amount from his salary or respondent-department can recover the same reasonably from the salary of the petitioner.

5. Per contra, learned counsel for contesting respondents No.2 to 4, while referring to the averments made in the reply, submits that till date, the petitioner has not filed complete documents to the respondent-department as prescribed in the scheme dated 06.12.2022, therefore, the respondent-department could not consider his claim, and, accordingly, incomplete documents submitted by the petitioner have been returned.

6. I have heard learned counsel for the parties and gone through the relevant documents.

7. Before I proceed in the matter, it would be appropriate to refer the relevant portion of the scheme dated 06.12.2022, which are reproduced as under :-

*“In connection with the subject cited above, it is informed that those employees of PSEB now PSPCL who died before 16.04.2010, the cases of whose wards were covered under Solatium Policy, for them Scheme was issued for their appointment on Group C & D posts on compassionate grounds in lieu of Solatium and Special Pension vide letter No.11/79/2021-PE5/3676 dated 27.10.2022 of Punjab Government Electricity Department (Energy Branch).*

*This scheme for grant of compassionate employment shall be optional i.e. the dependents who don't want to opt for job on compassionate grounds under this scheme will be allowed to retain the benefits of solatium and/or special pension already availed under solatium policy. However, those who want to opt for job on compassionate grounds will have to return the complete amount of Solatium and the difference of special pension and the normal family pension along with simple interest of 12% per annum. The eligible dependents, who want to avail the benefit of compassionate appointment under this scheme, will have to submit/fill the application/option within 30 days from dated 07.12.2022 on PSPCL website [www.pspcl.in](http://www.pspcl.in) at <https://pspcl.in>>Option for Compassionate Appointment. This link will be disabled after 30 days. The applicant has to submit the printout of the online submitted application/option with original documents at the concerned office, where deceased employee was posted at the time of death or from which office deceased's family is drawing pension. Apart from this the applicant has also to submit one affidavit (specimen enclosed) on the online*

*like, attested from Executive Magistrate/Oath Commissioner/ Notary Public stating binding upon all the conditions of the scheme on the online like. Offline submitted application/ option will not be acceptable in any condition.*

*xx xx xx xx*

*The cases in which the amount of solatium and special pension is recoverable, the pre-audit calculation sheet of the recoverable amount be given to the applicant and its receiving receipt be taken on the copy of this sheet. In this regard, a self-declaration be taken from the applicant that 25% of the amount will be deposited by the applicant within 7 days of demand by PSPCL and in case of non-deposit of this amount within the stipulated time, if there is any delay in disposing of his case of appointment on compassionate basis, then he himself will be responsible and complete case of the applicant be prepared as per the scheme along with print out of the applicant's online submitted application, affidavit, self declaration etc. be sent to the Deputy Secretary/A.A.-2, Patiala.*

*xx xx xx xx*

*In connection with the recovery of remaining 75% amount, the Competent Authority decided as under:*

*"The 75% of the recoverable amount to be deposited within one year, shall be allowed to be deposited either in lumpsum, half-yearly, quarterly or monthly basis and 12% annual simple interest shall be charged on the balance recoverable amount till its realization.*

*The concerned office (where the service book of the applicant/employee is maintained) shall ensure the recovery of remaining 75% amount with interest and shall also maintain the record of recovery of 75%*

*amount with interest and ensure that the pre-audited calculation sheet is pasted in the service book of the concerned employee."*

xx                      xx                      xx                      xx                      xx”

8. Admittedly, after the death of petitioner's father, his family (mother) was granted financial assistance under the solatium policy/instructions dated 23.11.2004 issued by the respondent-department and since the financial assistance was already granted to the family of the petitioner, his claim for compassionate appointment has been rejected by the respondent-department vide letter dated 25.05.2006. Now, the respondent-department has framed new scheme dated 06.12.2022 for compassionate appointment to the wards of the deceased employees of PSEB (now PSPCL), who expired before 16.04.2010, who have earlier been covered under solatium policy. As per the new scheme, grant of compassionate employment shall be optional for the dependents, who do not want to opt for job on compassionate grounds under this scheme, will be allowed to retain the benefits of solatium and/or special pension already availed under solatium policy. However, those who want to opt for job on compassionate grounds will have to return the complete amount of solatium and the difference of special pension and normal family pension. 25% of the said amount is required to be deposited within 07 days and balance 75% amount within one year that can be in lump-sum, half yearly, quarterly or monthly basis and simple interest @ 12% per annum shall be charged on the balance recoverable amount till the realization and the applicant/wards of the died employee must submit an

affidavit that he will comply with all the conditions mentioned in the scheme. However, the petitioner seeks compassionate appointment by relaxing the abovesaid conditions mentioned in the scheme.

9. The family of the petitioner has already been granted financial assistance permissible to them as per the policy dated 23.11.2004 and if the petitioner wants compassionate appointment under the new scheme dated 06.12.2022 for compassionate appointment to the wards of the deceased employees of PSEB (now PSPCL), who expired before 16.04.2010, he has to comply with the conditions of the said scheme and to return the complete amount of solatium along with interest and the difference of special pension and normal family pension. It is relevant to note here that despite issuance of various letters i.e. 05.01.2023 (Annexure P-6), 17.01.2023 (Annexure P-7), 16.02.2023 (Annexure P-9), 24.03.2023 (Annexure P-10), 24.03.2023 (Annexure P-11), 26.04.2023 (Annexure P-13) and 11.05.2023 (Annexure P-15), to the petitioner and his mother requisite conditions as envisaged under the Scheme dated 06.12.2022, have not been fulfilled by the petitioner. The petitioner, being dependent of his deceased father, is entitled for only one benefit i.e. either financial assistance in form of solatium and special pension or compassionate appointment and after availing the benefit of solatium, he is not entitled to seek other relief at a later stage. More so, if the petitioner is given appointment on compassionate ground by granting exemption from returning the amount of solatium and the difference of special pension and normal family pension, it would amount to availing of dual benefits, which is not permissible.

10. In view of the above, the present petition is bereft of merits and is accordingly dismissed, with no order as to costs.

01.10.2024  
Kothiyal

(NAMIT KUMAR)  
JUDGE

Whether Speaking/reasoned Yes/No  
Whether Reportable Yes/No