

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

241

CWP-14375-2019 (O&M)

Date of Decision: 24.04.2024

Sunita Rani

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr.J.S.Grewal, Advocate for the petitioner.

Mr.Arun Gupta, DAG, Punjab

AMAN CHAUDHARY, J. (Oral)

1. The prayer in the present petition is for directing the respondents to take appropriate action on the representation dated 22.12.2016 (Annexure P-3) and 03.04.2019 (Annexure P-4) given by the petitioner to respondent No.3 for seeking compassionate appointment.
2. Learned counsel submits that post the death of her mother Premeshewari Devi in the year 2016, who worked as Sweeper on regular basis, the petitioner applied for appointment on compassionate grounds, which was rejected only on account that she was a married daughter of the deceased. This Court in CWP-2218-2017, **Amarjit Kaur vs. State of Punjab**, decided on 17.01.2020, after taking a holistic view of the object of the policy, declared Clause (c) of Note-I of Scheme for compassionate appointments-2002 as ultra vires of Articles 14 & 15 of the Constitution of India and struck it off, which was upheld by the Division Bench in LPA-462-2021, vide judgment dated 25.01.2023 and has attained finality upto Hon'ble the Supreme Court wherein the SLP No. 9356-2023, challenging the same was dismissed on 18.10.2023. The afore-referred was also followed in

Jaspreet Kaur vs. State of Punjab, CWP-24591-2021, decided on 24.07.2023.

Pursuant thereto, vide Notification dated 29.01.2024, an amendment has been carried out in Note 1 (c) of para 3 of the said Scheme, wherein the phrase “unmarried daughter” has been substituted with the word “daughter”. He submits that the claim of the petitioner be directed to be decided in a time bound manner.

3. Learned State counsel being unable to dispute the above, on instructions submits that the respondents would not be averse to have a relook at the matter.

4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to decide the claim of the petitioner, taking into account the afore-mentioned judgments and the amendment carried out, within a period of four months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to her, and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to her interest, the same shall contain reasons and the petitioner shall be free to seek legal redress.

April 24, 2024
Raman

(AMAN CHAUDHARY)
JUDGE

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