



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision : 02.12.2024

(i)

CWP-11865-2023

Bandana Rani

.....Petitioner

V/S

State of Punjab and others

....Respondents

(ii)

CWP-7558-2023

Harjot Rani

.....Petitioner

V/S

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sunny Singla, Advocate with
Ms. Ritti Aggarwal, Advocate and
Mr. Jaskirat Singh, Advocate for the petitioner(s).

Ms. Saguna Arora, A.A.G. Punjab.

Ms. Eknoor Kaur Sara, Advocate
for respondents No.2 to 4 in CWP-11865-2023.

Mr. Vishal Mehta, Advocate for
Mr. Mehardeep Singh, Advocate
for respondents No.2 to 4 in CWP-7558-2023.

NAMIT KUMAR, J. (ORAL)

1. This order shall dispose of both the above-said writ petitions, as common question of law and facts are involved for adjudication. For the sake of convenience, facts are taken from CWP-11865-2023 titled as ‘Bandana Rani Vs. State of Punjab and others’.

2. The petitioner(s) has filed the instant petition under Article

**CWP-11865-2023 and
CWP-7558-2023****2**

the order dated 20.04.2023 (Annexure P-5), passed by respondent No.4, whereby the candidature of the petitioner for appointment on compassionate ground has been rejected on the basis of being a married daughter of a deceased employee. Further, seeking a writ of mandamus, directing the respondents to consider the claim of the petitioner for appointment on compassionate ground in terms of Scheme dated 27.10.2022 (Annexure P-2) for Compassionate Appointment to the Wards of Employees of Punjab State Electricity Board (Now Punjab State Power Corporation Limited) expired before 16.04.2010 who have been earlier covered under solatium policy.

3. Learned counsel for the petitioner(s) submits that the present case is squarely covered by the judgment of this Court in ***CWP No.2218 of 2017 titled as 'Amarjit Kaur Vs. State of Punjab and others' decided on 17.01.2020***, wherein after taking a holistic view of the object of the policy, declared Clause (c) of Note-I 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 No.462 of 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 case was also followed in ***'Jaspreet Kaur Vs. State of Punjab and others', 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



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substituted with the word “daughter”. He submits that the claim of the petitioner be directed to be decided in a time bound manner.

4. Learned counsel(s) for the respondents being unable to dispute the above, on instructions, submit that the respondents would not be averse to have a re-look at the matter.

5. In view of the above, without commenting upon the merits of the cases, the present petitions are disposed of with a direction to the respondents to reconsider and decide the claim of the petitioners, after taking into account the afore-mentioned judgments and the subsequent amendment carried out in furtherance thereto, within a stipulated period of four months, which this Court has no reason to believe that the authorities would not address in a just, fair and reasonable manner and upon doing so, the respondents-authorities shall, after notice and hearing offered to the petitioner, and if they are found entitled, grant the benefit to them forthwith. Needless to say, if the orders to be passed by the respondent-authorities turns adverse to the interest of the petitioners, the same shall contain reasons and they shall be free to seek legal redress.

02.12.2024
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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No