



CWP-12287-2024

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

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CWP-12287-2024

Date of decision: 23.05.2024

RENU BALA

....PETITIONER

Vs.

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Lalit Pardhan, Advocate
for the petitioner (through V.C.).

Mr. Hitesh Kumar Sammi, Central Government Counsel
for the respondents-Union of India.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to consider her for compassionate appointment.

2. The husband of the petitioner was working with 49th Battalion, Indo Tibet Border Police, Basar District Lepa Rada, Arunachal Pradesh who expired on 09.05.2020. He is survived by his parents, siblings as well as widow (the petitioner).

3. The petitioner applied for compassionate appointment. The respondent vide communications dated 29.07.2021 and 09.06.2022 (Annexures P-4 and P-5) directed her to furnish requisite documents. The petitioner furnished requisite documents, however, she failed to furnish 'No Objection Certificate' (for short 'NOC') from the parents of her husband and his siblings.

4. Mr. Lalit Pardhan, Advocate submits that petitioner is unable to get

NOC from her in-laws and she cannot be deprived of compassionate
MANOJ KUMAR
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appointment on the said ground. The respondent is bound to process her application in accordance with law.

5. Notice of motion.
6. Mr. Hitesh Kumar Sammi, Central Government Counsel, who on advance notice is present in Court, accepts notice on behalf of respondents-UIO and waives service.
7. Learned counsel for the respondents-UIO submits that petitioner has not furnished NOC from her parents-in-law as well as siblings of deceased (her husband), thus, her application is pending consideration.
8. The respondent cannot keep application of petitioner pending for indefinite period. If the petitioner is unable to get NOC from her in-laws on account of one or another reason, the respondent cannot keep application in abeyance for indefinite period. The respondent is duty bound to seek opinion of dependents of deceased because the deceased employee must have disclosed in service record his dependents and thereafter decide application of the petitioner. The policy of the respondent must be providing that who would have first right of appointment in case of death of an employee.
10. Accordingly, the petition stands disposed of with a direction to respondents to decide application of petitioner in accordance with law within 8 weeks from today. It is made clear that if respondents fail to decide application of the petitioner in aforesaid period, the petitioner would be at liberty to move an application under Article 215 of the Constitution of India.

23.05.2024
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[JAGMOHAN BANSAL]
JUDGE

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