

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

238

CWP-13855-2020

Date of Decision :10.01.2024

Ravi Kumar

...Petitioner

Versus

Commissioner of Income Tax (Audit) and others**....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Munish Kamboj, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

Mr. Parveen Chander Goyal, Advocate
for respondents No. 1, 4 and 6.

Ms. Gauri Neo Rampal, Advocate for respondents No.5.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the claim of the petitioner is for the grant of compassionate appointment to him.

2. Learned counsel for the petitioner submits that the petitioner fulfills all the terms and conditions required to be given the benefit of compassionate appointment but the said benefit has not been extended to him by the respondents on the ground that a letter was sent to the petitioner to appear on 20.1.2017 (annexed as Annexure P/1) for interview but he did not appear for the same whereas, the said letter was received by the petitioner on 25.01.2017 i.e. after the date of interview hence, the petitioner could not appear and thereafter, petitioner never received any communication from the respondents and rather the petitioner kept on

approaching the respondents that he is ready to appear for interview but same was not taken so as to deny the benefit of compassionate appointment to the petitioner.

3. Learned counsel for the respondents submits that nothing has come on record that the letter calling the petitioner for interview on 20.01.2017 was received by him after the said date. Learned counsel for respondents further submits that in the year 2019, a letter was also sent to the petitioner for interview but the said letter was received back undelivered hence, no fault can be attributed to the respondents.

4. Learned counsel appearing for respondents No.4 and 5 submits that in case any date is fixed by this Court for interviewing the petitioner for the grant of benefit of compassionate appointment, the said direction will be complied with.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. The only reason for not granting the benefit of compassionate appointment to the petitioner is that the petitioner never appeared for interview on the date fixed for the said purpose whereas, the stand of the petitioner is that he never received any letter so as to appear for the interview or the letter was received by him after the date fixed for the interview.

7. Nothing has come on record that the eligibility of the petitioner to get the benefit of compassionate appointment has been rejected and decided by the respondents hence, this Court fix the date of interview as

05.02.2024 at 11 a.m. on which date, the petitioner will appear in the office of respondent No.3 so that he will be interviewed by the authority

concerned and within a period of next two months, the concerned authority will pass an appropriate order with regard to the claim of the petitioner whether he is entitled for the grant of benefit of compassionate appointment and the said order will be conveyed to the petitioner for his information and necessary action and in case after the decision, the petitioner is found entitled for the benefit in question, the same will be extended to him without any further delay.

8. Learned counsel for the petitioner submits that keeping in view the present order, no further grievance of the petitioner survives and the present petition may kindly be disposed of having been not pressed any further.

9. Ordered accordingly.

January 10, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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