

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

114

CWP-17340-2022

Date of decision: 15.03.2024

HARPREET SINGH AND ANR

....PETITIONERS

Vs.

UNION OF INDIA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Amandeep Chhabra, Advocate
for the petitioners.

Mr. Narender Kumar Vashisht, Senior Panel Counsel
for Union of India-respondent Nos. 1 to 3.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to appoint petitioner No. 1 on compassionate ground as per *ex-gratia* policy of Central Government.

2. The father of the petitioner No. 1 (hereinafter called as 'petitioner') was working with Northern Railway, Punjab as Station Master. He was posted at Bathinda. He passed away on 29.10.2015 in harness. During his lifetime, he solemnized two marriages. Six children were born from 1st marriage and one child from 2nd marriage. A son born from 1st marriage as well as petitioner i.e. son born from 2nd marriage applied for appointment on compassionate ground. The respondent scrutinized record of both the applicants and found that son born from 1st marriage is 5th pass whereas minimum prescribed qualification is 10th pass, thus, his application was rejected. The application of son born from 2nd marriage was rejected on the ground that he has not obtained NOC from

children born from 1st marriage. The respondent on account of dispute between children of deceased employee closed file of the petitioner.

3. Mr. Amandeep Chhabra, Advocate submits that matter has been resolved between all the children and they have issued NOC in favour of petitioner, thus, respondent should reconsider claim of the petitioner.

4. Mr. Narender Kumar Vashisht, Senior Panel Counsel concedes that file of the petitioner has been closed on account of non-receipt of NOC from other children.

5. I have heard the arguments of learned counsel for the parties and perused the record.

6. The respondent in its reply has accepted factual position as well as submitted that application of petitioner has been rejected on account of non-receipt of NOC from other children. The relevant extracts of the reply are reproduced as under:

“iv) After the death of Sh. Santokh Singh, Sh. Gagandeep Singh performa Respondent No 5 son from 1st wife and Sh. Harpreet Singh petitioner no 1 Son from 2nd wife both had applied for Compassionate ground appointment in the respondent department. Sh. Gagandeep Singh performa Respondent No 5 is 5th pass while the minimum qualification is 10th pass for recruitment in Railway Respondent department. Petitioner no 1 Harpreet Singh is 12th pass but No objection Certificate is required from 6 Children born out of wedlock of Smt. Rani first wife and Santokh Singh but till date petitioner no 1 has not submitted abovesaid No Objection Certificate before the Respondent department.”

v) Being dispute between the both family of the deceased the case Compassionate ground appointment has been closed vide letter dated 20.05.2021 and 08.07.2022.”

7. From the perusal of reply as well as arguments of Mr. Narender Kumar Vashisht, Senior Panel Counsel, it is evident that file of the petitioner has been closed on account of non-receipt of NOC from other children of the deceased employee. The petitioner has received NOC from all the children, thus, the matter needs to be re-considered.

8. The petition stands disposed of with a direction to respondents to re-consider claim of the petitioner in the light of ex-gratia policy. The needful shall be done within 3 months from today.

15.03.2024
anju

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No