

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

222

CWP-23842-2017 (O&M)
Date of decision: 03.04.2024

Hans Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Vivek Singla, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY. J (Oral)

1. The prayer in the present Civil Writ Petition under Articles 226/227 of the Constitution of India, is for issuance of writ for quashing the impugned letter/order dated 29.03.2017, Annexure P-5 and directing the respondents to grant compassionate appointment to the petitioner.

2. Learned counsel would submit that mother of the petitioner, who was working as a Sweeper in the office of Sub-Divisional Engineer, Water Supply & Sanitation, died in harness on 19.06.2013, during the period of extension in service. The claim of the petitioner for appointment on compassionate ground was rejected on the sole ground that the instructions dated 27.12.2016, Annexure P-2, were withdrawn vide instructions dated 29.03.2017, Annexure P-5. The issue involved in the present petition, has already been dealt with and decided by this Court vide judgments in **Ajay Kumar vs. State of Punjab and others**, CWP-20693-2019, decided on 12.09.2019; **Gurpreet Singh vs. State of Punjab and others**, CWP-24534-2019, decided on 05.09.2019 and **Bhupinder Kumar vs. State of Punjab and others**, CWP-5175-2018, decided on 17.12.2019. The rules applicable on the date of death/incapacitation of an employee need to be

followed, as per judgment of this Court in **Krishna Kumari vs. State of Haryana and others**, 2012 (2) SCT 736. The compliance to the judgement in **Ajay Kumar** (supra) was made during the pendency of COCP-2893-2020 filed, which were disposed of on the statement made by the learned State counsel that the petitioner had been granted appointment on compassionate grounds. The operative portion of **Ajay Kumar** (supra), reads thus:-

“7. The perusal of the record shows that concededly the father of the petitioner was serving as Baildar at the time of his death on 14.09.2014. The aforesaid policy relied upon by the learned counsel for the petitioner clearly states that the same has to be implemented w.e.f. 08.10.2012. This policy held the field till its withdrawal on 29.03.2017. In the aforesaid premise, the impugned orders dated 04.12.2014 (Annexure P-9) and 06.04.2017 (Annexure P-11) seem to have been passed by overlooking the said Policy. The same are accordingly set aside being not sustainable in law.

8. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the respondents to pass a fresh appropriate order by according the benefit of the Policy/ Instructions dated 27.12.2016 (Annexure P-5) to the petitioner, in accordance with law. ”

3. Learned State counsel despite his best efforts is unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgments or cite any contrary law.

4. In view of the aforesaid, the impugned order dated 29.03.2017, Annexure P-5 is set aside and the present petition is disposed of in terms of the judgment passed in **Ajay Kumar** (supra).

(AMAN CHAUDHARY)
JUDGE

03.04.2024
Hemant

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