

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

280

CWP-22653-2018 (O&amp;M)

Date of Decision:23.04.2024

Himani Verma

....Petitioner

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present: Mr. Vikas Chatrath, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab

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**AMAN CHAUDHARY J. (Oral)**

1. The prayer in the present petition is for directing the respondents to consider the claim of the petitioner for compassionate appointment as Clerk or any other suitable post.

2. Learned counsel submits that the petitioner applied for appointment on compassionate grounds, after her mother died in harness as an ETT teacher on 11.10.2016, which was rejected only on account of the fact that she being a married daughter of the deceased, her claim was not sustainable as per Scheme for compassionate appointments-2002, dated 21.11.2002. This Court in CWP-2218-2017, **Amarjit Kaur vs. State of Punjab**, decided on 17.01.2020, 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-462-2021, 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 was also followed in **Jaspreet Kaur vs. State of Punjab**, 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 substituted with the word “daughter”. He submits that the claim of the petitioner be directed to be decided in a time bound manner.

3. Learned State counsel being unable to dispute the above, on instructions submits that the respondents would not be averse to have a relook at the matter.

4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to decide the claim of the petitioner, taking into account the afore-mentioned judgments and the amendment carried out, within a period of four months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to her, and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to her interest, the same shall contain reasons and the petitioner shall be free to seek legal redress.

**(AMAN CHAUDHARY)**  
**JUDGE**

**April 23, 2024**  
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Whether speaking : Yes/No

Whether reportable : Yes/No