

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CWP No. 28273 of 2018
Date of Decision : 01.02.2024

Meena Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.S. Duhan, Advocate with
Ms. Isha Dhingra, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that her father, who was working on the post of Veterinary Livestock Development Assistant in Veterinary Hospital, Arohad, in District Rerwari, unfortunately died while in service on 08.06.2003 and the petitioner claimed the benefit of compassionate appointment, which was given on the post of Bull Attendant whereas, the post of Clerk was also available against which the petitioner should have been accommodated.
2. In reply, the respondents have stated that keeping in view the eligibility of the petitioner and the availability of the post, the petitioner was given appointment, which post petitioner duly accepted and now

after a period of one decade, the petitioner is claiming the post of Clerk, which cannot be allowed.

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

4. The appointment on compassionate basis is not a right but a concession given to a family so as to mitigate the financial hardship. It is also a conceded position that the claim of the petitioner was considered and she was given appointment on the post of Bull Attendant, which post was accepted by the petitioner and the petitioner is working on the said post even as of now.

5. The question is, once the petitioner has accepted the post of Bull Attendant on compassionate basis, whether she can claim another post even if the said post is lying vacant. The said question of law has already been decided by the Hon'ble Supreme Court of India while deciding Civil Appeal No. 2061 of 2015 titled as ***The Rajasthan State Road Transport Corporation and others Vs. Revat Singh***, decided on 20.02.2015, wherein, the Hon'ble Supreme Court of India has held that when a post has already been accepted on compassionate basis considering the qualification and eligibility, the candidate cannot claim any other post or a higher post. The relevant paragraph 8 of the said judgment is as under :-

“8. In I.G. (Karmik) and others v. Prahalad Mani Tripathi, 2007(3) S.C.T. 483 : (2007) 6 SCC 162, this Court has held that compassionate appointment cannot be granted to a post for which the candidate is ineligible. It is further

held in said case that even though higher post was applied for on compassionate ground, when a lower post offered considering qualification and eligibility as per rules was accepted by the candidate, he cannot claim higher post.”

6. Learned counsel for the petitioner has not been able to rebut that keeping in view the judgment of the Hon’ble Supreme Court of India in ***The Rajasthan State Road Transport Corporation and others (supra)***, the claim of the petitioner is not maintainable.

7. Keeping in view the above, no ground is made out for the grant of benefit as being claimed in the present petition.

8. Dismissed.

February 1st, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No