



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

228

CWP-23503-2019 (O&M)
Date of decision: 12.11.2024

Tirath Singh

..Petitioner

Versus

Food Corporation of India and another

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Loveinder Kaur Brar, Advocate for the petitioner.

Mr. Ravi K. Gupta, Advocate for the respondents.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for quashing the order dated 30.05.2019 denying compassionate appointment to the petitioner on the solitary premise that he failed to apply at the appropriate time.
2. Learned counsel submits that after the death of his father, a DPS worker employed with the department, on 21.01.2011, the petitioner made several requests for compassionate appointment, to no avail and was compelled to approach this Court through CWP-11954-2018, which was disposed of with directions to the respondents to resolve his claim through a reasoned order, urging them to adopt a sympathetic approach, which became the subject matter of the present *lis*. Furthermore, as per affidavits and a self-declaration submitted before the Executive Magistrate, his mother and other dependents relinquished their claims in favor of the petitioner.
3. It is argued by the respondents that the petitioner had failed to apply for compassionate appointment within the three-month period as outlined in paragraph 6 of the Instructions dated 22/28.01.1998 (Annexure R1) issued by the



Food Corporation of India, a bare perusal of which reveals that this period may be relaxed by the competent authority in exceptional and deserving cases.

4. This Court while dealing with a somewhat similar case, quashed the order issued by the very same Department, as the present respondent, rejecting the claim of the petitioner therein for ex-gratia appointment, on the singular ground of it being time-barred, without considering the relevant facts and circumstances in **Lakhbir Singh vs. Food Corporation of India**¹, LPA against which has been dismissed and rendered the following observations:

“6. From the above, it is clear that there is no time limit prescribed for making of claims for compassionate appointments and that even belated claims can be considered. As observed above, the application moved on behalf of the petitioner seeking compassionate appointment was filed well within time and it was the respondents who had virtually slept over the matter for several years in spite of the fact that all documents including the income certificate showing that the income of the family was about Rs. 2000/- per month had been duly submitted. While considering the cases of persons seeking compassionate appointment, especially the cases of the families of Class-IV employees or labourers as in the case in hand who have lost their only bread winner, the respondent-corporation was expected to deal with such application with compassion. The facts of the case in hand present an entirely different picture as I find that the respondent-corporation has dealt with the application of the petitioner in a rather callous manner. The application of the petitioner seeking compassionate appointment has been rejected after about four years from the date of such application and what is more disturbing is that the case of the petitioner has not even considered on merits.”

7. In view of the above, the impugned order dated 3.6.2013 (Annexure P-10) is quashed. The respondents are directed to re-consider the case of the petitioner on merits for compassionate appointment as per applicable policy by passing a speaking order within a period of two months from the date of receipt of a certified copy of this order.”

5. It is trite that the cause of justice deserves to be preferred, when pitted against technical considerations. As such, a pragmatic approach instead of a pedantic one must be adopted. While compassionate appointments cannot be

¹ 2015 SCC OnLine P&H 9479



claimed as a right, the purpose of the scheme necessitates a careful and fair consideration of deserving cases, particularly when delays occur due to reasons beyond the applicant’s control.

6. Learned counsel for the respondents, despite his best efforts has not been able to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

7. In view of the above, the present petition is disposed of in terms of **Lakhbir Singh** (supra), however there shall be no order as to costs.

12.11.2024
ashok

(AMAN CHAUDHARY)
JUDGE

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