

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

CWP-8951-2017 (O&M)
Date of Decision:02.04.2024

Ravinder Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. P.S. Khurana, and
Mr. Naurajdeep Singh, Advocates for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The prayer made is for quashing the orders dated 09.11.2014 and 21.12.2016, Annexure P-4 and Annexure P-9, respectively, whereby the petitioner was denied compassionate appointment, as also directing the respondents to grant the same to the him w.e.f. 08.11.2013 along with all consequential benefits.
2. Learned counsel submits that the petitioner was nephew of Smt. Usha Rani, who was working as SLA at Government Senior Secondary School, Malout and had been adopted by her vide adoption deed dated 13.10.2002, Annexure P-1. She unfortunately passed away on 23.08.2013, whereafter he applied for compassionate appointment on 08.11.2013, which was rejected vide order dated 12.09.2014/31.10.2014 on the ground that neither the adoption proceedings were registered with any authority nor was there any change in the name of his mother in the certificates. An appeal against the same was rejected on 21.12.2016,

Annexure P-9, on the premise that no such fact came to light requiring

reconsideration of the matter, despite it being mentioned that petition under Section 372 of the Indian Succession Act, 1925 was pending before the Civil Court and that the adoption was allowed vide order dated 25.05.2016, appended as Annexure P-7, observing therein that it was proved from the evidence that petitioner was the legal heir of deceased Smt. Usha Rani, being adopted son and she had also executed a will in his favour which was duly proved on record, whereafter the succession certificate was issued vide Annexure P-7/A. The petitioner was released all retiral benefits in December 2016, Annexure P-12.

3. Learned State counsel despite his best efforts is unable to controvert the aforesaid facts and submits that the respondents would not be averse to have a relook at the matter.

4. In view of the aforesaid, the present writ petition is disposed of with direction to the respondents to pass an order afresh, taking note of the pleas raised by the petitioner as also the judgment dated 25.05.2016 within a period of four months and if found entitled, necessary benefit be granted forthwith.

(AMAN CHAUDHARY)
JUDGE

02.04.2024
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No