

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

265

CWP-26146 of 2021

Date of Decision:03.05.2024

Deepika Rani

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jasbir Singh Mohri, Advocate,
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY J. (Oral)1.

1. The present present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus/certiorari for quashing the impugned orders dated 07.01.2019 and 17.02.2020, Annexures P-5 and P-6 respectively, whereby the claim of the petitioner seeking employment on compassionate ground has been rejected and further directing the respondents to provide employment on compassionate ground on a Class IV post.

2. Learned counsel for the petitioner submits that case of the petitioner for compassionate appointment was rejected only on the ground that she being married daughter of the deceased and claim of the petitioner was not sustainable as per Policy/Instructions dated 21.11.2002, Annexure

P-3. 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 of Scheme for compassionate appointments-2002 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 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 six 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

May 03, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No