



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122)

CWP No. 23090 of 2024

Date of Decision : 12.09.2024

Amardeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. H.S. Dhandi, Advocate for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the claim of the petitioner is for the grant of compassionate appointment after the death of his mother, who unfortunately died on 05.07.2012.

2. After the death, the petitioner who has passed 10+2 and has done diploma in Pharmacy, applied for the post of Pharmacist on compassionate ground. The said claim was rejected by the department on 22.11.2012 (Annexure P-5) declaring that the post of Pharmacist has been classified in the diminishing cadre and therefore, he cannot be appointed. Thereafter, the petitioner claimed the post of Clerk and for the said post also, the claim of the petitioner was considered but as the petitioner did not had the minimum eligibility required to be appointed against the post of Clerk, the same was also rejected.

3. Thereafter, sister of the petitioner claimed appointment on compassionate ground, which was also declined. Now, after a period of 12



years of the death, the petitioner is again claiming appointment to the post of Pharmacist and that too without challenging the rejection, which was made in November, 2012.

4. Learned counsel for the petitioner argues that once the posts of Pharmacist are now being filled up in the year 2022, the petitioner should also be considered for compassionate appointment against one of the post of Pharmacist.

5. Keeping in view the advance copy given, learned State counsel has put in appearance and submits that the compassionate appointment cannot be claimed as a matter of right as the same is only provided to mitigate the financial hardship and keeping in view the judgment of the Hon'ble Supreme Court of India in SLP (Civil) No. 10509 of 1993 titled as ***Umesh Kumar Nagpal Vs. State of Haryana***, decided on 04.05.1994, the compassionate appointment cannot be claimed after a period of 12 years of the death of the employee concerned, especially when there is no mitigating financial aspect brought to the notice of the Court.

6. Learned counsel further submits that the claim of the petitioner stands rejected 12 years ago and he did not raise any grievance and now the petition is being filed after a period of 12 years, which is liable to be dismissed.

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

8. It may be noticed that the compassionate appointment cannot be claimed as a matter of right. The motive for compassionate appointment is to ensure that after the death of the employee, the family does not suffer



financially and in order to support the family financially, where there is no other source of income, one of the family member is to be adjusted on compassionate ground so that family can sustain after the death of the employee.

9. In the present case, the petitioner claimed the post of Pharmacist, which relief was declined to the petitioner on 22.11.2012 (Annexure P-5) and thereafter, the petitioner claimed the post of Clerk, which was also declined as the petitioner did not fulfill the requisite qualification. Then, the petitioner requested that the claim of the sister of the petitioner should be considered, which was also considered and rejected. Now, the petitioner has again approached the respondents by way of legal notice to appoint him on the post of Pharmacist, which claim has been rejected vide letter dated 28.07.2022, copy of which has been appended as Annexure P-10.

10. Keeping in view the reasons given that 12 years have passed and no mitigating financial circumstances have been brought to the notice of the respondents and further that the earlier rejections which were passed qua the post of Pharmacist as well as for the post of Clerk has never been agitated, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Dismissed.

September 12, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No