

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.27172 of 2023 (O&M)
Date of decision : 06.09.2024

Charanjit Kaur

.....Petitioner

Versus.....

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vikas Chatrath, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab

Mr. K. S. Hissowal, Advocate for Respondent Nos.2 and 3.

NAMIT KUMAR, J. (Oral)

1. The petitioner has approached this Court by way of filing the instant writ petition under Articles 226/227 of the Constitution of India seeking a writ of *certiorari* for quashing the order dated 27.05.2022 (Annexure P-5), 20.01.2014 (Annexure P-2) along with 04.09.2015 (Annexure P-3), whereby the claim of the petitioner has been rejected merely on the ground that she is a married daughter, whereas she is a divorcee and further a writ of *mandamus* has been sought for directing the respondents to consider and appoint the petitioner on any post commensurate to her educational qualification, in terms of the policy compassionate appointment dated 21.11.2002 (Annexure P-7).

2. Learned counsel for the petitioner submits that the petitioner applied for appointment on compassionate grounds, after her father died in harness, while working as a 'Driver' in the office of Punjab Scheduled Castes Land Development

& Finance Corporation on 06.04.2012. The claim of the petitioner for appointment on compassionate grounds has been rejected only on account of the fact that she being a married daughter of the deceased, her claim was not sustainable as per the Scheme for compassionate appointments-2002, dated 21.11.2002. This Court in CWP-2218- 2017 titled as '**Amarjit Kaur vs. State of Punjab and another**', decided on 17.01.2020, after taking a holistic view of the object of the policy, declared Clause (c) of Note-I 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 the SLP No. 9356-2023, challenging the same was dismissed on 18.10.2023. The afore-referred case was also followed in '**Jaspreet Kaur vs. State of Punjab and others**', 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 above, without commenting upon the merits of the case, the present petition is disposed of with a direction to the respondents to reconsider and decide the claim of the petitioner, after taking into account the afore-mentioned judgments and the subsequent amendment carried out in furtherance thereto, within a stipulated period of four months, which this Court has no reason to believe that the authorities would not address in a just, fair and

reasonable manner and upon doing so, the respondents-authorities shall, after notice and hearing offered to the petitioner, and if she is found entitled, grant the benefit to her forthwith. Needless to say, if the orders to be passed by the respondent-authorities turns adverse to the interest of the petitioner, the same shall contain reasons and she shall be free to seek legal redress.

September 06, 2024
mkkoundal

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(NAMIT KUMAR)
JUDGE