



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

244

CWP-8528-2022 (O&amp;M)

Date of decision: 03.04.2025

Sameer Kumar

....Petitioner

Versus

State of Punjab and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

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Present : Mr. Parveen Kumar Garg, Advocate for the petitioner

Mr. Satnam Preet Singh, DAG Punjab

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**AMAN CHAUDHARY, J. (ORAL)**

1. Prayer made in the present petition for quashing the impugned reply dated 16.03.2022, whereby the claim of the petitioner for compassionate appointment has been denied.
2. Learned counsel submits that the petitioner, who belongs to Scheduled Caste category, was offered appointment on compassionate grounds on 23.06.2004, Annexure P-4 for the post of Peon, as his father, who was working as Store Attendant in ITI Sunam, unfortunately passed away in the year, 2003. The said appointment letter was, however, sought to be withdrawn vide letter dated 12.07.2004, Annexure P-5, to submit dependency certificate.
3. Learned counsel refers to the communication between the Principal-respondent No.4 and the Deputy Commissioner, Sangrur, Annexures P-6 to P-9. The Commissioner while referring to a notification dated 13.11.2005, had observed that the enquiry ought to have been done by the concerned Department at its own level and that the dependency certificate is necessary, only in case, if



there is dispute among dependents.

4. The petitioner, whereafter submitted a representation on 07.01.2022, Annexure P-10, bringing to the notice of there being no requirement for the same and he being the youngest son of the deceased, fell in the category of dependent family member as defined in Clause 3 of the policy dated 29.11.2002 and that no opportunity was granted to him prior to withdrawal of the offer.

5. Reference is also made to Clause 11 of the policy with regard to the earning member, which cannot be an impediment and reads thus:

**11. Where there is an earning member:**

(a) In deserving cases even where there is already an earning member may be considered for compassionate appointment with prior approval of the Secretary of the Department concerned, who before approving such appointment will consult the Department of Personnel and satisfy himself that grant of compassionate appointment is justified having regard to number of dependents, assets and liabilities left by the Government servant income of the earning member as also his liabilities including the fact that the earning member is residing with the family of the Government servant and whether he should not be a source of support to other members of the family.

(b) In case where any member of the family of the deceased servant is already in employment and is not supporting the other members of the family of the Government servant, extreme caution has to be observed in “ascertaining the economic distress of the members of the family of the Government servant so that the facility of appointment on compassionate ground is not circumvented and misused by putting forward, the ground that the member of the family already employed is not supporting the family.”

6. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the respondents-competent authority would not be averse to have a relook at the matter and decide within a period of 4 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner.

7. The aforesaid satisfies the learned counsel for the petitioner.



8. The matter stands disposed of accordingly and if the petitioner is found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same may be passed after granting opportunity of hearing to him and shall contain reasons, whereupon he shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)  
JUDGE

03.04.2025

M.Kamra

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