

2025.PHHC.013241



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

CWP-12017-2021 (O&M)

Date of Decision: 28.01.2025

PUSHPINDER KUMAR

...Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Bhanu Pratap Singh, Advocate for the petitioner.
Ms. Shruti, AAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for quashing of Order/letter dated 27.04.2018, Annexure P-3, and order dated 10.01.2020, Annexure P-6, issued by respondent No.1 whereby the case of compassionate appointment of the petitioner has been rejected on the ground of delay of 1 month and 21 days in preferring the application.

2. Succinct facts are that the father of the petitioner was working as a Warder on regular basis and unfortunately passed away in harness on 26.09.1999. Petitioner having born on 16.10.1996 was merely 03 years of age at that time and attained the age of 18 years on 16.10.2014. Thus, he on 07.12.2015, on completing his class 12th, applied for compassionate appointment, which was declined on a sole ground of it being delayed by 01 month and 21 days.

3. The State Government issued instructions dated 03.07.2008 (Annexure P-4) wherein, the proviso was added to clause no. 13, by virtue



of it, that a person could apply within a period of one year from attaining the age and educational qualifications for Group 'C' and Group 'D' appointments. The relevant para reads as under:-

“Provided that in the case where the deceased Government employee leaves behind his/her minor children, who are studying at the time of death of the employee and are not qualified for an employment in the government and the spouse is not in a position to join the Government job, a dependent child may be allowed to apply for compassionate appointment by the competent authority within a period of one year from the date of attaining the age and educational qualifications for a Group 'C' or 'D' appointment in government.”

4. Reliance is placed on the judgments of Hon’ble the Supreme Court in **Ganesh Shankar Shukla vs. State of U.P.**¹ and **Canara Bank vs. M. Mahesh Kumar**², with regard to the issue involved herein.

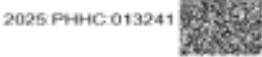
5. The aforesaid facts having been brought out, during the course of hearing, learned State counsel, on instructions, states that the respondents would not be averse to have a relook at the matter and decide afresh within a period of 4 months, which this Court has no reason to believe the authorities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

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

7. 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

¹ 2022 SCC OnLine SC 1908

² 2015 (7) SCC 412



opportunity of hearing to him and shall contain reasons, whereupon he shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

28.01.2025
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No