



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

237

CWP-11800-2020

Date of decision: 09.01.2025

Raj Kumar

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.K. Kaushik, Advocate
for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. The prayer made in the present petition is for quashing the impugned order dated 06.12.2017 passed by respondent No.2, whereby the claim of the petitioner for compassionate appointment has been rejected on the ground that he was not dependent upon his mother (since deceased).

2. Learned counsel for the petitioner has referred to the instructions issued by the Govt. dated 21.11.2002, Annexure P-1, the relevant paras whereof read thus:-

“(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.
...(d) Requests for compassionate appointment consequent on death of Group ‘D’ staff may be considered with greater sympathy by applying relaxed standards depending on the facts and circumstances of the case.”

3. As is evident from the impugned order that the same has not been passed keeping in view the aforesaid instructions, the present petition is, therefore, hereby disposed of with a direction to the respondents to pass a fresh order, within a period of four months, taking note of the above, 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 him and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

09.01.2025
Hemant

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