



CWP-17054-2021

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

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CWP-17054-2021 (O & M)
Date of decision: 04.03.2025

Nirmaljeet Singh

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aalok Jagga, Advocate and
Mr. Karan Inder Singh, Advocate,
for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order dated 06.01.2020, Annexure P-22, vide which application for grant of compassionate appointment to the petitioner, has been rejected.

2. Learned counsel submits that the mother of the petitioner, who was working as Senior Assistant in the office of respondent No.3, had unfortunately passed away in harness on 06.08.2011, whereafter the petitioner applied for appointment on compassionate basis on 30.11.2011, rejection of which does not state the reasons, however, in the written statement it has come out that the father of the petitioner is working, in regard to which learned counsel submits that his father got re-married on



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05.09.2014 and is living separately from the petitioner. Reference is made to the Instructions dated 21.11.2002, 28.01.2005 and 18.07.2005, relevant clauses of the Instructions dated 21.11.2002 read thus:

“3. Henceforth, the objective of the Scheme is limited to grant of appointment on compassionate grounds to persons who fall in the categories mentioned above:

- (i) A dependent member of the family of a person (bread-winner) killed or 100% physically disabled in terrorist action or by security forces acting in aid of civil power, in the State;
- (ii) A dependent member of the family of the deceased Government employee, who dies in harness.
- (iii) Disabled Ex-Serviceman (fit for Civil Service).
- (iv) A dependent member of the family of the Defence Services Personnel.
 - (i) killed in service while performing duties; or
 - (ii) severely disabled with totally unfit for re-employment

Note: I Dependent Family Member ‘means’

- (a) Spouse; or
- (b) Son (including adopted son); or
- (c) xxxx
- (d) xxx.

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



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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.”

3. 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, taking note of the aforesaid Instructions, 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.

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

5. 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.

04.03.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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