



CWP-17164-2016

:1:

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

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**CWP-17164-2016 (O&M)
Date of decision : 20.05.2025**

GURPREET KAUR

..... Petitioner

VERSUS

STATE OF PUNJAB AND ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. Jagjit Gill, Advocate,
for the petitioner.

Mr. Puru Jarewal, DAG, Punjab.

Ms. Monika Jalota, Advocate and
Mr. Sehej Sandhawalia, Advocate
for respondents No.2 and 3.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner is praying for quashing of the impugned order dated 21.05.2013 (Annexure P-10), vide which the claim of the petitioner for grant of compassionate appointment has been rejected by the respondents.

2. Brief facts of the case are as under:-

Petitioner's father, Late Sh. Balraj Singh, was working on the post of Assistant Lineman in Punjab State Power Corporation Limited (hereinafter referred to as the 'Corporation'). Sh. Balraj Singh expired on 23.05.2011 due to electric shock while he was on duty. The petitioner, being a dependant of Late Sh. Balraj Singh, filed an application for grant of

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compassionate appointment in terms of the policy relating to compassionate appointment applicable in the Corporation. The case of the petitioner was duly considered by the Corporation and vide order dated 21.05.2013 (Annexure P-10), request made by the petitioner for grant of compassionate appointment was rejected. A perusal of the order dated 21.05.2013 (Annexure P-10) passed by the respondents would show that, according to the respondents, the case of the petitioner was not covered under the relevant Scheme for compassionate appointment and, therefore, she was not entitled for grant of compassionate appointment.

3. Aggrieved against the aforesaid order, the petitioner has filed the present writ petition.

4. Learned counsel appearing on behalf of the petitioner submits that a bare perusal of the order dated 21.05.2013 (Annexure P-10) reveals that it is a non-speaking order as no reasons have been given as to why the petitioner's case could not be considered for compassionate appointment in terms of the Scheme for compassionate appointment. He further submits that Scheme for compassionate appointment dated 21.11.2002 (Annexure P-1) was subsequently amended by Scheme dated 26.08.2011 (Annexure P-2), and therefore, the petitioner is entitled to be considered under the amended Scheme.

5. Learned counsel for the respondents submits that the Scheme prevailing at the time of death of the employee is to be taken into consideration for the purpose of granting compassionate appointment. Learned counsel submits that under Scheme for compassionate appointment

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dated 21.11.2002 (Annexure P-1), the petitioner was not eligible for compassionate appointment as she did not fall within the definition of a dependent family member as she was married. It has also been submitted by learned counsel for the respondents that the petitioner got divorce on 07.11.2011, whereas, at the time of the death of Late Sh. Balraj Singh, i.e. on 23.05.2011, the petitioner was married. Therefore, she could not be treated as a dependent family member in terms of the Scheme for compassionate appointment dated 21.11.2002 (Annexure P-1). As regards to the amended Scheme for compassionate appointment dated 26.08.2011 (Annexure P-2) is concerned, it is submitted that the same was effective from the date of issuance and was not applicable with retrospective effect. Since Sh. Balraj Singh expired prior to the issuance of the amended instructions, as such, the same would not be applicable in the case of petitioner.

6. I have heard learned counsel for the parties and have gone through the case file with their able assistance.

7. A perusal of the facts of the present case would show that at the time of death of Sh. Balraj Singh, the Scheme for compassionate appointment dated 21.11.2002 (Annexure P-1) was in force. It is well settled law that the Scheme for compassionate appointment prevailing at the time of death of deceased employee is to be taken into consideration for deciding claims of compassionate appointment. It is an admitted fact that the petitioner was married at the time of death of Sh. Balraj Singh, as such, under the policy dated 21.11.2002 (Annexure P-1), a married daughter does

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not fall within the definition of dependent family member. Hence, the petitioner's case is not covered under the said policy for the purpose of compassionate appointment.

8. In regard to contention raised by learned counsel appearing on behalf of the petitioner that the petitioner was entitled for consideration under Policy dated 26.08.2011 (Annexure P-2) is concerned, the same is without merit. The said Scheme is prospective in nature and would not be applicable to the petitioner's case. Even otherwise also, it is relevant to mention here that Sh. Balraj Singh expired on 23.05.2011 and nearly 14 years have elapsed. It is well settled law that the compassionate appointment is neither a vested right, nor it is a mode of appointment. The object behind granting compassionate appointment to the dependents of the deceased is to remove immediate hardship faced by the family due to the untimely demise of the sole breadwinner.

9. Taking into consideration the aforementioned facts, this Court finds no merit in the present writ petition and the same is hereby dismissed.

10. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

20.05.2025

Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No