



CWP-19792-2022

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

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CWP-19792-2022 (O & M)
Date of decision: 29.01.2025

Akashdeep Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Manu Loona, Advocate,
for the petitioner.

Mr. Sehajbir Singh Aulakh, AAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the order/letter dated 08.06.2022 (Annexure P-8), whereby claim of the petitioner for appointment on compassionate grounds has been rejected.
2. The father of the petitioner, who was working as Sipahi/Constable, died on 18.01.2010 after rendering service of 18 years, 5 months and 23 days. The petitioner at that point in time was merely 10 years old and after attaining majority, applied for compassionate appointment on 04.09.2019, after having passed 10+2, which was rejected, vide impugned order, on the ground of delay, which in the reply dated 07.11.2023 by way of affidavit of the Superintendent of Police, Headquarters, Ferozepur, is stated to be 3 months and 21 days. Reliance is



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placed on the judgment in **Sushil Kumar vs. State of Punjab and others**, CWP-27611-2013, decided on 05.01.2016, that covers the case of the petitioner on all fours, which learned State counsel despite his best efforts has been unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law, relevant paras whereof read thus:-

“7. As noticed, the purpose of the instructions and the subsequent amendment is to give benefit and to provide succor to the family of the deceased employees and the purpose is beneficial in nature. The petitioner being minor could not have been adjusted at that point of time even though his grand father had applied expeditiously and as noticed, the matter was kept in abeyance on account of his minority. Once the application is already pending consideration and the petitioner was only seeking to revive his application, it would not lie in the mouth of the respondents to deny him on a technicality that he had not applied within the prescribed period as provided under instructions dated 03.07.2008. The said order has only resulted in a denial of the right which has been given under the scheme for appointment on compassionate grounds to help the family get out of the financial stringencies on account of the death of the government employee. The petitioner's father had died a decade and a half earlier and he has been fighting for his rights and the impugned order has thus been passed in an arbitrary manner without checking the record.

8. Accordingly, impugned order dated 30.04.2013 (Annexure P-11) is not liable to be sustained and is quashed. Resultantly, the respondents are directed to reconsider the case of the petitioner for compassionate appointment unfettered from the limitation clause. The said exercise be carried out by respondent no. 2 within a period of 3 months from the receipt of certified copy of the order.

9. Accordingly, the present writ petition is allowed.”

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3. In wake of the above, the present petition is disposed of in terms of **Sushil Kumar** (supra).

29.01.2025

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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