

CWP-24358-2015

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

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CWP-24358-2015 (O & M)

Date of decision: 27.01.2025

Kamalpreet Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Naveen Sharma (Moudgil), Advocate and
Mr. Vijay Lath, Advocate,
for the petitioner.

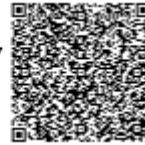
Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the orders dated 03.07.2012 and 11.02.2012, Annexures P-21 & P-24, respectively, vide which claim of the petitioner for compassionate appointment, as also the appeal, stand dismissed.

2. The mother of the petitioner, who was working as Social Studies Mistress since 13.01.1984, had unfortunately passed away on 07.11.2005, immediately whereafter, on 24.04.2006, an application was submitted, Annexure P-4, by the petitioner for appointment on compassionate grounds, which though could not have been granted, he being 16 years old. He was disowned by his father on 04.09.2006 by a notice published, in Jagbani, Annexure P-7 who even performed the second marriage on 24.09.2006, as per marriage certificate, Annexure P-6.

The claim of the petitioner was under consideration as per the



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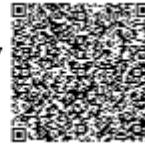
communications exchanged *inter se* wherein some objections were raised by the District Education Officer (Sr. Secondary), Jalandhar, vide letter dated 29.08.2007, Annexure P-8, whereupon, the Principal of the School sought some documents from him on 29.09.2008, Annexure P-9. He, in compliance thereof, submitted his matriculation and natural legal heir(s) certificates, Annexures P-10 and P-11, respectively. Thereafter, vide letter dated 01.04.2009, Annexure P-13, a fresh application was submitted for appointment, whereupon certain more clarifications were sought which were also complied with by stating that his father solemnized second marriage on 24.09.2006 and family pension has been stopped w.e.f. 01.09.2006, enclosing therewith, a certificate with the bank particulars, vide letters dated 16.04.2009, Annexure P-15, affidavit, Annexure P-16 and Annexure P-18, however, his claim has been rejected.

3. Learned counsel relies on Punjab Govt. Scheme for Compassionate Appointment, 2002, Grant of Employment in the State Services on Compassionate Grounds, a relevant portion whereof reads thus:

“6. Eligibility

The family is indigent and deserves immediate assistance for relief from financial destitution. The authority concerned must consider as to whether the family of deceased employee is unable to meet the financial crisis resulting from employee's death.”

4. The claim of the petitioner was rejected firstly on the ground of it being delayed for 7 years, which as is apparent from the above, is fallacious and insofar as the financial condition is concerned, the basis of



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drawing such a conclusion is conspicuous by its absence in the Impugned order.

5. Sketchy and one liner orders passed without assigning any reasons by which claims such like the one involved are rejected is found whimsical in **Ashok Kumar vs. State of Haryana and Others**¹ and **M/s Kranti Associates Pvt. Ltd. And Another vs. Sh. Masood Ahmed Khan and Others**,² wherein it was observed that, the face of an order passed by a quasi-judicial authority or even an administrative authority affecting the rights of parties, must speak and must not be like the inscrutable face of a Sphinx. The authorities are under a legal obligation to give reasons while passing an order, which are the essence and virtually a part of the due process.

6. As a fall out of the above, the impugned orders are set aside. The respondents are directed to re-consider the matter taking note of the facts as recorded hereinbefore within 3 months, which this Court has no reason to believe the authorities would not address in just, fair and reasonable manner, in case found entitled grant relief to the petitioner forthwith.

7. Disposed of accordingly.

27.01.2025
parveen kumar

(AMAN CHAUDHARY)
JUDGE

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

¹ 2002 SCC OnLine P&H 1450

² 2010(9) SCC 496