



CWP-19385-2020 (O&M)

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

224

CWP-19385-2020 (O&M)

Date of decision: 29.01.2025

Santosh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ramesh Chander Sharma, Advocate,
for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for setting aside the order dated 17.12.2019, Annexure P-4, vide which the application of the petitioner for appointment on compassionate ground has been rejected.

2. Learned counsel for the petitioner submits that the mother of the petitioner was working as Sweeper with the respondent in Education Department and regularized vide order dated 15.04.2010 and she passed away on 18.05.2017, whereafter the petitioner being her married daughter had applied for consideration of her claim for appointment, which was rejected on the ground that married daughter is not covered within the definition of family as per Police of 2002. He relied upon the judgment passed in CWP-2218 of 2017, titled as **Amarjit Kuar versus State of Punjab and others**, decided on 17.01.2020 wherein this Court after taking a holistic view of the object of the policy, declared Clause (c) of Note-I as ultra vires of Articles 14 & 15 of the Constitution of India and struck it off, which was upheld by the Division Bench in LPA-462-2021, vide judgment dated 25.01.2023 and has attained finality upto



CWP-19385-2020 (O&M)

Hon'ble the Supreme Court wherein the SLP No. 9356-2023, challenging the same was dismissed on 18.10.2023. The afore-referred was also followed in Jaspreet Kaur vs. State of Punjab, CWP-24591-2021, decided on 24.07.2023. Pursuant thereto, vide Notification dated 29.01.2024, an amendment has been carried out in Note 1 (c) of para 3 of the said scheme, wherein the phrase "unmarried daughter" has been substituted with the word "daughter".

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 decided afresh within a period of 04 months, taking note of the aforesaid judgment, 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 with a direction to the respondent to reconsider and decide the claim of the petitioner within a period of four months in the light of the aforesaid judgment and if the petitioner is found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to her interest, the same may be passed after granting opportunity of hearing to her and shall contain reasons, whereupon they shall be free to seek legal redress thereupon.

6. Pending application(s), if any, also stand(s) disposed of.

29.01.2025
dinesh

(AMAN CHAUDHARY)
JUDGE

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