IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-37614-2019 (O&M)
Date of Decision: 06.1.2020

Pankaj Sharma --Petitioner

Versus

Punjab State Civil Supplies Corporation Ltd. & others --Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Lovish Rattan, Advocate for
Mr. Surinder Sharma, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA.J (Oral)

Petitioner raises a challenge to the order dated 25.1.2018 (Annexure P-12) and in terms of which his claim seeking appointment on compassionate grounds, has been declined.

Counsel submits that father of the petitioner was working on the post of P.D.H under the Punjab State Civil Supplies Corporation (Punsup), Bathinda Office and had died in harness on 1.5.2011. Further contended that even though, petitioner is married but he is unemployed and as such, his claim for appointment on compassionate basis ought to have been considered sympathetically. Counsel submits that the impugned order dated 25.1.2018 (Annexure P-12) has been passed on the premise that the petitioner was not a dependent on his father and as has been recorded by the Deputy Commissioner. In this regard heavy reliance is placed upon a communication at Annexure P-9 dated 19.6.2017 issued by the office of Deputy Commissioner-cum-District Magistrate, Bathinda wherein, it has been recited that there would be no requirement for issuance of a Dependent Certificate and it is only in a case where there is some doubt as regards dependency that the concerned department can approach the District

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Magistrate while stating clear reasons as regards the need for issuance of such a certificate. It is argued that since the requirement of furnishing a Dependent Certificate has been done away with vide communication dated 19.6.2017 (Annexure P-9), the very basis for declining the claim as regards compassionate appointment cannot sustain.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that there is no merit in the instant petition and the same deserves to be dismissed at the very threshold.

Placed on record at Annexure P-14 is the Scheme dated 21.11.2002 issued by the Govt. of Punjab, Department of Personnel regulating compassionate appointments in State Services. In para 3 of the Scheme objective of the Scheme has been defined and stated to be limited to appointment on compassionate grounds to persons who fall in certain categories including a dependent member of the family of a deceased govt. employee who dies in harness. Para 6 governs eligibility and makes it clear that compassionate appointment may be considered in a case where the family of the deceased is indigent and deserves immediate assistance from financial destitution. Para 6(b) further clarifies that the applicant for compassionate appointment should be eligible and suitable for the post in all respects under the provisions of the relevant recruitment rules.

Pleadings on record would indicate that soon after the unfortunate demise of his father, petitioner had approached the office of Deputy Commissioner-cum-District Magistrate, Bathinda for issuance of a Dependent Certificate. Placed on record at Annexure P-1 is a certificate

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dated 19.7.2011 and which clearly reflects that Pankaj Sharma i.e. the present petitioner was not a dependent upon deceased Krishan Lal and who had been working on the post of P.D.H under the Regional Manager, Punsup, Bathinda and had died on 1.5.2011. Based on such certificate issued by the Deputy Commissioner at Annexure P-1 an order already stood passed on 23.4.2012 (Annexure P-2) declining the claim of the petitioner seeking appointment on compassionate basis.

It is conceded by counsel that the orders at Annexure P-1 reflecting the petitioner to be not a dependent on his father as also the order dated 23.4.2012 (Annexure P-2) declining compassionate appointment had never been put to challenge in any proceedings.

The order that has been assailed in the instant petition dated 25.1.2018 (Annexure P-12) is only as a consequence of the petitioner having reiterated his prayer for appointment on compassionate grounds. Even in such order the basis has been disclosed for rejecting the claim i.e. the petitioner being not a dependent on his father as per certificate issued by the Deputy Commissioner. No infirmity, as such, is found in the view taken by the department. The reliance placed by counsel upon a communication dated 19.6.2017 issued by the office of Deputy Commissioner-cum-District Magistrate, Bathinda at Annexure P-9 is wholly misconceived. Without even commenting on such communication, suffice it to take note that the same was issued much after the claim of the petitioner had already been rejected in terms of order dated 23.4.2012 (Annexure P-2).

Even otherwise, compassionate appointment is not a right. It is not even a mode of recruitment. The precise objective of considering a claim for compassionate appointment is to help out a family, which is in a

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state of extreme financial destitution on account of loss of a bread winner. It goes without saying that against such objective, a claim of compassionate appointment ought to be raised and considered in close proximity to the date of death. As per pleaded case of the petitioner his claim for compassionate appointment stood rejected way back on 23.4.2012 (Annexure P-2) on account of a certificate dated 19.7.2011 issued by the Deputy Commissioner at Annexure P-1 reflecting him to be not a dependent upon his father.

In an overview of the matter, no interference is warranted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

06.1.2020
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

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