
(2019) 03 P&H CK 0285

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 5823 Of 2019 (O&M)

Balraj Singh

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 08-03-2019

Acts Referred:

Citation : (2019) 03 P&H CK 0285

Hon'ble Judges : Rajiv Sharma, J;Kuldip Singh, J

Bench : Division Bench

Advocate : Bhupinder Kaur, Kapil Kakkar

Final Decision : Dismissed

Judgement

Petitioner has impugned the order dated 4.9.2018 (Annexure P-11), passed by respondent No.5 -Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'the Tribunal') vide which claim of the petitioner for grant of compassionate appointment as declined by respondent-department i.e. Bharat Sanchar Nigam Limited (BSNL) was upheld.

The short facts which are required to be noticed for the purpose of disposal of the present petition are that Roop Singh, father of the present petitioner namely Balraj Singh was working as Senior TOA (P) at Purki Kalan with BSNL. He died in harness in 21.10.2006, leaving behind his wife, a son and two daughters. None of them were employed and they were financially dependent on him. His case was considered by Circle High Power Committee, Punjab Circle, which vide its meeting held on 31.12.2007, recommended the case of the petitioner for Group-D post. However, the respondent-department sent the case back for re-evaluation on the ground that the points in the category of family pension were not assessed on the amount of Rs. 3570+DR. The left out service of the deceased employee which was five years was also not considered. The Circle High Power Committee in its meeting held on 7/8.5.2009 reviewed the case of the petitioner for compassionate appointment and declined the same. This fact

came to the notice of the petitioner only in the year 2012.

Thereafter, applicant-petitioner namely Balraj Singh along with Maninder Paul filed the Original Application No. 1047/PB/2012 before the Tribunal. The Tribunal vide order dated 18.4.2013 (Annexure P-6) directed the respondents to consider the claim of the applicants-petitioners in terms of the policy prevailing at the time of death of the government employee. It was stated that at that time the policy regarding compassionate appointment dated 9.10.1998 was in operation. Needless to say that after considering the case of the petitioner, the respondent-department again rejected the claim of both the applicants namely Balraj Singh and Maninder Paul. Thereafter, both the applicants namely Balraj Singh and Maninder Paul approached the Tribunal by filing OA No. 060/00408/2016, challenging the rejection order. However, on the objection, they were asked to file separate petitions which they did. Later on, the Tribunal rejected the plea of the applicant-petitioner for setting aside the impugned order dated 4.9.2018 (Annexure P-11) declining appointment on compassionate grounds.

We have heard learned counsel for the petitioner and have carefully gone through the case file.

A perusal of the file shows that the Circle High Power Committee this time considered the case of the petitioner in terms of the policy dated 9.10.1998 which was prevailing at the time of death of the deceased employee.

The Tribunal noticed that family of the deceased is not living in indigent condition and no one has been given appointment on compassionate grounds whose financial condition is better than that of the applicant-Balraj Singh. Petitioner has survived for the last about 12 years and his family is getting family pension of over Rs. 10,000/- per month. Petitioner himself is postgraduate and aged about 29 years. He can self sustain in view of his age and qualification.

We find that the compassionate appointment is not a matter of right. The purpose of compassionate appointment is only to save the family from destitution and render immediate economic assistance. In this case, employee died in the year 2006 and the family of the petitioner is not found to be in indigent condition. Petitioner himself is post graduate and getting sufficient income from family pension. Therefore, considering the number of vacancies and the policy, there is no illegality of infirmity in the impugned order dated 4.9.2018 (Annexure P-11), passed by respondent No. 5- Central Administrative Tribunal, Chandigarh Bench, Chandigarh.

Hence, the petition is dismissed.