
(2000) 08 P&H CK 0215
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9955 of 2000

Harjit Singh

APPELLANT

Vs

Union of India (UOI) and others

RESPONDENT

Date of Decision : 02-08-2000

Acts Referred:

Citation : (2000) 08 P&H CK 0215

Hon'ble Judges : K.S. Garewal, J;Jahawar Lal Gupta, J

Bench : Division Bench

Advocate : Inderjeet Singh Brar, for the Appellant;

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.—The Petitioner's father was employed as a Cook in the Air Force. He unfortunately passed away on April 16, 1997. After his death the Petitioner submitted an application for the grant of appointment on compassionate grounds. Vide order dated November 25, 1999 the Authority rejected the Petitioner's claim. Aggrieved by the order, the Petitioner approached the Central Administrative Tribunal. His petition having been dismissed vide order dated March 21, 2000. the Petitioner has approached this Court through the present writ petition.

2. Mr. Inderjit Singh Brar, learned Counsel for the Petitioner, contends that the Authority as also the Central Administrative Tribunal have erred in rejecting the Petitioner's claim for the grant of appointment on the ground of the family having received terminal benefits and family pension etc, He places reliance on the decision of a Division Bench of this Court in *Balwan Singh v. Union of India* another . 1998(4) R.S.J. 691.

3. The Petitioner has produced a copy of the order by which his claim for appointment was rejected. In this order the following reasons have been given-

(a) The family has received approximately Rs. 1,89,000/- as terminal benefits.

(b) The family is currently in receipt of family pension plus Dearness Relief on pension, amounting to approx. Rs. 2500/- per month.

(c) The eldest son is staying with the family and earning by plying Auto-rickshaw.

(d) The family does not have the burden of marriageable daughters and educational expenditure of school going children etc.

(e) The applicant himself was working in BRDAF canteen, for which job he is absenting and has not rejoined.

4. It is in view of these reasons that the Petitioner's challenge to the order passed by the Authority has been negated by the Tribunal. We find no ground to differ with the view taken by the Authority and the Tribunal.

5. We may mention that every post under the state has to be filled up by providing an equality of opportunity to all eligible persons. There is acute poverty in this country and everyone, who fulfills the qualifications, has a right to be considered. The Government and its Department have made an exception to this rule. In a case where the incumbent of an office dies in harness, a provision for appointment on compassionate grounds has been made. This exception can be resorted to only in cases where the family of the deceased employee faces acute penury, it is only to save the family from starvation that the Government grants appointment so that the family members may tide over the acute economic crisis that they face after the death of the bread winner it is in view of this reason that it has been laid down that the appointment should be made only to a Class III or Class IV post. The provision for compassionate appointment has to be used only to help the needy and not the one who is greedy.

6. In the present case it is clear that the Petitioner's family had received an amount of Rs. 1,89,000/- as terminal benefits. It is also getting an amount of Rs. 2500/- per month by way of family pension. The Petitioner's brother is plying an auto-rickshaw and is earning. It has been found by the authority that he is residing with the family. Still further, the economic position of the family has been noticed. It has been observed that it does not have the burden of any marriageable daughters nor does it have to meet the expenses on education of the children. The Petitioner himself was working in the Air Force Canteen . He started absenting himself from duty. Taking these facts into consideration, we find that the Petitioner has no cause to complain. He has no legitimate grievance which may require to be redressed through the present proceedings. The Petitioner's claim for the grant of appointment has been rightly rejected. The reasons are germane to the issue. We find no infirmity in the orders.

7. Mr. Brar has referred to the decision in Balwan Singh's case (supra). It has undoubtedly been observed by their Lordships that the compassionate appointment cannot be denied on the ground that terminal benefits have been released or that the family pension is being paid. We have reservations about the view expressed by the Bench. However, so far as the present case is concerned,

we find that the decision has no application in view of the circumstances which have been noticed above. It is clear that the Petitioner was gainfully employed. He had started absenting himself from duty only to get a job by way of compassionate appointment. This fact coupled with the other reasons, as noticed by the Authority, disentitled the Petitioner from claiming the grant of concession of a compassionate appointment.

8. No other point has been raised.

9. In view of the above, we find no ground to interfere with the order passed by the Tribunal. The writ petition is, accordingly, dismissed in limine.

Sd/- K.S. Garewal, J.