

(2019) 03 P&H CK 0043

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 5878 Of 2019 (O&M)

Maninder Paul

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 08-03-2019

Acts Referred:

Citation : (2019) 03 P&H CK 0043

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-10), 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 the Parshottam Lal, father of the present petitioner namely Maninder Paul was working as Phone Mechanic with BSNL. He died in harness in 15.2.2006, leaving behind his wife, son and daughter. 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 2011.

Thereafter, applicant-petitioner namely Maninder Paul along with Balraj Singh 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 Maninder Paul and Balraj Singh. Thereafter, both the applicants namely Maninder Paul and Balraj Singh 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-10) 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. It was found that the liability of the family of the deceased employee; grown up children, constitution of family, overall assessment of the condition of the family and also limited number of vacancies which can be offered to the needy candidates are to be kept in mind. It was found that family of the deceased is not living in indigent condition. The compassionate appointment cannot be made as a matter of right. It was also found that the applicant-petitioner is now major and 12 years have passed since the death of the deceased-Parshottam Lal.

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. Petitioner is major and his family is having income from the pension. There is no such liability which needs to be met. The limited number of vacancies are also to be seen. It was also found that no person whose financial condition is better than the petitioner has been offered appointment.

It being so, we do not find any illegality of infirmity in the impugned order dated 4.9.2018 (Annexure P-10), passed by respondent No. 5- Central Administrative Tribunal, Chandigarh Bench, Chandigarh. Accordingly, the petition is dismissed.