
(1995) 07 P&H CK 0011
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 707 of 1993

Santosh Tuli and Another

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 06-07-1995

Acts Referred:

Citation : (1995) 111 PLR 373

Hon'ble Judges : G.S. Singhvi, J

Bench : Single Bench

Advocate : K.S. Dadwal, Balram Singh and Rakesh Bhatia, for the Appellant; Lal Chand Gupta, for the Respondent Nos. 2 and 3, for the Respondent

Final Decision : Allowed

Judgement

G.S. Singhvi, J.—This petition has been filed by Smt. Santosh Tuli and Ravi Bhushan Tuli for issue of a writ of mandamus to quash the impugned order Annexure P-3 and to give appointment to petitioner No. 2 as a dependent of K.L. Tuli, who was serving as an officer in the Punjab National Bank at the time of his death on 28.5.1991.

2. A look at the averments made in the application Annexure P-1 filed by Smt. Santosh Tuli clearly shows that as early as on 11.6.1990, petitioner No. 1 had given out that her elder son Bharat Bhushan Tuli, who was in the employment of the Bank, was living separately and was not rendering any financial assistance to the family of late Shri K.L. Tuli. Therefore, she had requested the Bank to give employment to her other son (petitioner No. 2) on compassionate grounds.

3. The claim made by petitioner No. 1 was turned down by the Bank vide communication Annexure P-3 on the ground that the case of petitioner No. 2 has not been found fit for employment on compassionate grounds.

4. In support of the writ petition, Mr. K.S. Dadwal, learned counsel for the petitioner, argued that when the Bank has adopted the policy of giving employment on compassionate grounds, it cannot adopt the methodology of pick

and choose and arbitrarily reject the claim of a dependent of a deceased officer of the Bank. According to the learned counsel, no reason has been assigned by the respondent-bank for rejecting the claim made by the petitioners for appointment of Ravi Bhushan Tuli (petitioner No. 2) in lieu of the services rendered by Shri K.L. Tuli.

5. The learned counsel for respondents Nos. 2 and 3 argued that the dependent of a deceased employee does not have a legal or constitutional right to be appointed on compassionate grounds and the respondent-Bank has rejected the claim made by the petitioners after due consideration of various factors including the fact that the elder son of late Shri K.L. Tuli, is employed with the Bank and the family of late Shri K.L. Tuli was possessed with sufficient means. The learned counsel argued that the policy of giving appointment on compassionate grounds is to provide a source of substance to the family of an employee who dies during the course of his service and the family is not possessed with sufficient means of livelihood and it is not obligatory to give appointment to the dependent of a deceased employee. He also pointed that petitioner No. 2 has been running a small business and is, therefore, not entitled to the benefit of the policy decision.

6. A look at the communication Annexure P-3 shows that the respondent bank did consider the claim made by the petitioners for appointment of petitioner No. 2 on compassionate grounds but it rejected the said claim on the ground that his case has not been found fit for employment. The said communication does not contain the reasons on the basis of which respondents Nos. 2 and 3 reached a conclusion that petitioner No. 2 was not fit to be appointed on compassionate grounds. The reason which has been assigned in para 8 of the reply does not sound plausible because as already stated hereinabove, in her application Annexure P-1 itself, petitioner No. 1, had made it clear to the respondent-Bank that her other son, who was gainfully employed with the respondent-Bank, was not extending any financial help and he was living separately with his family. Therefore, that ground could not have been taken into consideration for denying the relief to petitioner No. 2.

7. It is true that while deciding a case for employment on compassionate grounds, the respondent-Bank does not exercise quasi judicial function but being a public authority, it was bound to give some cogent reasons for declining the claim made by the petitioners and the total absence of any reason in the said communication is sufficient to draw the inference of arbitrariness in exercise of power by the respondent-Bank.

8. Consequently, the writ petition is allowed, communication Annexure P-3 is quashed, and respondents Nos. 2 and 3 are directed to consider the case of petitioner No. 2 for employment on compassionate grounds afresh within a period of three months. The respondents should take an objective decision on the claim made by the petitioners for employment for petitioner No. 2 on compassionate grounds within this three months" period and communicate the result to the petitioners.