

(1997) 08 P&H CK 0143
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 18163 of 1994

Smt. Imla Devi

APPELLANT

Vs

The Union Territory and Others

RESPONDENT

Date of Decision : 28-08-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) 117 PLR 726

Hon'ble Judges : Jawahar Lal Gupta, J;B. Rai, J

Bench : Division Bench

Advocate : R.P. Bali, for the Appellant; K.K. Goel and Rajesh Gumber, for the Respondent

Final Decision : Dismissed

Judgement

Jawahar Lal Gupta, J.

1 The petitioner's husband was working as a Laboratory Assistant at the D.A.V. College, Chandigarh. He, unfortunately, passed away on November 13, 1992. The widow filed an application dated November 1, 1993 for grant of appointment on compassionate grounds. No relief having been granted, she has filed the present writ petition in this Court. The petitioner prays for the issue of a writ of Mandamus directing the respondents to appoint her on any Class-IV Post.

2. A written statement has been filed on behalf of the Union Territory Administration and the Director of Public Instructions by respondent No.2. it has been inter alia averred that the petitioner's husband was working in a private College which was getting aid, from the Government. However, the Government "cannot interfere in the affairs of the Management in. this regard."

3. On behalf of the College a separate written statement has been filed. It has been inter alia pointed out that an amount of Rs. 75,640/- has been paid to the petitioner on account of Provident Fund, gratuity, financial help as staff contribution etc. Still further, it has been averred that the petitioner is being paid

Rs. 250/- per month by way of regular financial assistance from the D.A.V. College Managing Committee. Otherwise the College is not in a position to do any thing more than that because "there is no scheme/policy to appoint persons on compassionate grounds". On these premises the respondents claim that the writ petition be dismissed.

4. The petitioner has filed two separate replications, she has also produced copies of the instructions issued by the Government of India and the Punjab University with regard to the grant of appointment on compassionate grounds.

5. Learned counsel for the parties have been heard.

6. The solitary contention raised on behalf of the petitioner is that in view of the instructions issued by the Government of India as well as by the University, the College which is receiving aid from the State is bound to grant appointment on compassionate grounds to the widow of an employee. The claim made on behalf of the petitioner has been controverted by the learned counsel for the respondents.

7. A perusal of the instructions issued by the Government of India vide letter dated November 25, 1978 which have been produced as Annexure P-6 with the replication shows that provision was made for the grant of appointment to the son, daughter and the near relative of the deceased Government servant. Nothing has been produced on record to show that these instructions had either been adopted by the respondent-College or are binding upon the respondents. Similarly, instructions have been issued by the Punjab University. An extract there from has been produced as Annexure P-7 with the replication. Even in this order, it has been provided that "ad hoc ex-gratia grant and other facilities will be admissible to the family of the regular University employee who dies while in service of the University...". There is no provision for the grant of appointment to the widow or relation of the deceased employee working in an affiliated College. Still further, it has been categorically averred on behalf of the College that it has no scheme for the grant of appointment on compassionate grounds. In this situation, in spite of our sympathy we are unable to do any thing to help the petitioner.

8. In the written statement filed on behalf of the respondents it has been stated that the petitioner is being paid Rs. 250/- per month by way of regular financial assistance. Mr. Bali states that this assistance has not been released so far. He further points out that on February 27, 1996 the College was directed to consider the desirability of increasing the monthly assistance to Rs. 350/- per month. We have no doubt that the College shall consider the petitioner's case in this behalf and pay the necessary amount.

9. The grant of appointment on compassionate grounds is a concession. It cannot be claimed as of right. In this writ petition we have considered the petitioner's case sympathetically. However, we find no ground to interfere. The writ petition is dismissed. No costs.