



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

247

CWP-4029-2023

Date of Decision: **August 28, 2025**

Harjit Singh

.....Petitioner

VERSUS

Punjab State Power Corporation Limited and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Anupam Sharma, Advocate for the petitioner.

Mr. Shrey Goel, Advocate for respondents No.1 and 2.

Mr. Abhishek Arora, Advocate for Mr. Sumit Jain, Advocate for respondents No.3 to 5.

HARPREET SINGH BRAR, J. (Oral)

1. The present writ petition has been filed under Article 226 and 227 of the Constitution of India for issuance of a writ in the nature of certiorari, mandamus or any other appropriate writ order of direction quashing on the following prayers:-

- i) “The order dated 26.03.2021 passed by respondent No.2- Deputy Chief Engineer (Personnel) PSPCL, Patiala (Annexure P-9) vide which the representation submitted by petitioner dated 2.11.2010(Annexure P-4) stands rejected by respondent NO.2 through which the petitioner has requested to give the job to him on compassionate ground in place of his late mother who was employed at 132 KV-Sub Station, Tarn Taran as work



charge Peon but she died on 3.7.2010 and that too in her duty hours.

ii) For issuance of writ of mandamus commanding respondent No.1 to give the job of a work charge Peon in place of his mother late Pritam Kaur w/o late Sajjan Singh. In the alternative to provide any other job to which the petitioner is found eligible/entitled in view of the instructions issued by Government of Punjab dated 19.9.2002(Annexure P-2).”

2. Learned counsel for the petitioner *inter alia* submits that the mother of the petitioner-late Smt. Pritam Kaur died in harness on 03.07.2010 in her duty hours. The petitioner in terms of the policy dated 19.09.2002 of Government of Punjab, Annexure P-2, applied for compassionate appointment on 02.11.2010. Vide office order dated 30.09.2013 passed by Deputy Commissioner, Tarn Taran (Annexure P-6), it was concluded that the petitioner had been living with the deceased and fully dependent upon her. The case of the petitioner was to be considered for compassionate appointment as per Punjab Govt. Policy dated 21.11.2002. In the meantime, respondent No.6-Manjeet Singh represented vide application dated 27.01.2011 along with affidavit submitted that he is not in favour of granting compassionate appointment to his brother Harjit Singh. Further, on 17.02.2014 (Annexure P-7) the Deputy Chief Engineer has forwarded the case of the petitioner without the consent of respondent No.6. Thereafter, the petitioner approached this Court by filing CWP-6309-2017 which was disposed of vide order dated 16.02.2021 with a direction to decide the



representation of the petitioner in accordance with law. In compliance thereof Annexure P-9 was filed. The claim of the petitioner was not considered in the light of policy of 2002 (Annexure P-2). The procedure as prescribed under the policy with regard to the determination of the real dependent in case of a doubt has not been done, as such, the impugned order is liable to be set aside and petitioner being the dependent son of deceased Pritam Kaur is entitled to be appointed on compassionate grounds. There is no reply filed on behalf of respondent No.6.

3. Learned counsel for the respondents No.1 and 2 could not controvert the fact that Clause 3 of the Policy stipulates explicitly that in case of any doubt or in case where the claimants/dependents to the compassionate appointment are more than one. The appointing authority must refer the matter to the District Magistrate for determining the real dependent in such cases. Relevant extract of policy dated 19.09.2002 be read as under:-

....3) "In case of any doubt, or where the claimant dependents are more than one, the appointing Authority must refer the matter to the District Magistrate for determining the real dependent for compassionate appointment. In all such cases the District Magistrate shall:-

i) Call the claimants in his Court including all dependents i.e. Widow/Widower/Sons, daughters, adopted sons, adopted daughters.

ii) Record statements of each dependent and obtain their consent for compassionate appointment in favour of the candidate of their choice.



iii) Consider the eligibility of each claimant/proposed candidate in the light of Government policy instructions on the compassionate appointment issued from time to time.

iv) Adjudged eligibility and suitability of the candidates keeping in view the age for entry into Government Service, qualifications and priority position in the family.

Priority position would be in the following order:-

a) Widow/Widower

b) Unmarried son

c) Unmarried daughter

d) Married son, if living in a joint family and if living separately property and other interests are common.”

4. It appears that respondent No.6 is married son and as per the priority position detailed in the policy, the petitioner being unmarried will steal a march over his brother respondent No.6 who is a married dependent son. The impugned Annexure P-9 has been passed without following the drill of procedure provided under the policy of 2002 (Annexure P-2).

5. In view of the above, the impugned order dated 26.03.2021 (Annexure P-9) is set aside and the appointing authority is directed to refer the matter to the District Magistrate within a period of three weeks from the date of receipt of the copy of the order.

6. Further the District Magistrate Tarn Taran is directed to conclude the determination strictly in terms of the policy of 19.09.2002 after giving due weightage as explained in Clause 3(iv) of the policy within a period of four weeks. Further the respondent/competent authority is directed to offer the appointment to the petitioner in case upon determination, the



petitioner is found to be dependent on the deceased Pritam Kaur in terms of policy.

7. In case the respondent(s) deviates from the directions issued by the Court, he is at liberty to move an appropriate application under Article 215 of the Constitution of India for initiating the contempt of Court against the respondents.

8. Disposed of, accordingly, so also the pending miscellaneous application(s), if any.

(HARPREET SINGH BRAR)
JUDGE

August 28, 2025

P.C

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No