

**(2014) 07 P&H CK 0809**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Letters Patent Appeal No. 406 of 2014 (O&M)

Gurpreet Singh Rangru

APPELLANT

Vs

Punjab School Education Board

RESPONDENT

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**Date of Decision:** July 23, 2014

**Hon'ble Judges:** Jasbir Singh, J; Harinder Singh Sidhu, J

**Bench:** Division Bench

**Advocate:** Tarlok Singh Chauhan, Advocate for the Appellant

**Final Decision:** Dismissed

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**Judgement**

Jasbir Singh, J.

Civil Misc. No. 999-LPA of 2014

1. In view of averments made in this application, the same is allowed. Delay of 23 days in filing the appeal stands condoned.

Civil Misc. No. 1000-LPA of 2014

2. After hearing counsel for the applicant/appellant, this application is allowed. Delay of 30 days in re-filing the appeal stands condoned.

Letters Patent Appeal No. 406 of 2014

3. Appellant's father died in service on 26.9.2003. The appellant's age was less than 18 years on the said date. However, he filed an application to get compassionate appointment on 11.11.2003. As per service rules, he could not be taken into service as his age was less than 18 years. He attained the age of 18 years on 15.7.2004. It is on record that on 30.7.2004, some daily wagers, as per policy of the State Government, were regularized in service. On 19.7.2004, the appellant filed an application to get employment on compassionate grounds, which was processed as per rules and he was given appointment on 20.8.2004 against the post of Clerk. He accepted the offer of appointment without raising any objection and continued to

work against that post till the year 2013 when he filed a writ petition viz. Civil Writ Petition No. 23678 of 2013 seeking issuance of directions to the respondents that he be given deemed date of appointment i.e. from 15.7.2004 when he attained the age of 18 years. That writ petition was dismissed by the learned Single Judge on 28.10.2013. Relevant portion of the order passed by the learned Single Judge reads thus:-

After hearing learned counsel for the petitioner, I am of the view that the petition is totally frivolous and misconceived. The petitioner has been given employment on compassionate basis and, therefore, whatever his right in employment qua seniority etc. would be from the date when he enters service. He can not by any stretch of imagination have a grievance against those employees who were regularized within this short interregnum i.e. between the date of his attainment of majority till the date of his employment. Evidently, it can not be accepted that the respondents functioning would be halted only to await the entry of the petitioner into service.

4. After hearing counsel for the appellant, this Court is in agreement with the finding given by the learned Single Judge. There is nothing on record to show that the appellant is entitled to get deemed date of appointment. After death of an employee, as per policy, a family member is given compassionate appointment so that family is brought out of financial crisis. That objective was satisfied when a post was offered to the appellant on 20.8.2004. He raised no objection and continued in service for a period of nine years when he woke up and suddenly filed a writ petition in the year 2013 claiming deemed date of appointment. On account of laches also, the appellant is not entitled to get any relief.

5. No case is made out to cause interference by this Court in the present appeal.

6. Dismissed.