



204 CWP-PIL-147-2021

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

CWP-PIL-147-2021

Date of decision: 12.03.2026

Ameliorating India**....Petitioner.**

Versus

State of Punjab and others**....Respondents.**

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY, JUDGE**

Present:- Mr. Rajinder Ghai, Advocate,
for the petitioner (through VC.)

Mr. Vipin Pal Yadav, Addl. AG, Punjab

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SHEEL NAGU, CHIEF JUSTICE (Oral)

This PIL has been filed seeking quashing of the order dated 25.07.2021 (Annexure P-5) passed by the Under Secretary Personnel, Government of Punjab, Department of Personnel (Personnel Policies-II Branch) vide which 34 persons who were wards/heirs of those killed in 2018 Dusshera Day Train Tragedy in Amritsar were provided employment.

2. The petitioner sought quashment of order dated 25.07.2021 (Annexure P-5) by which compassionate appointment was given to the private respondents way back in July 2021.

3. When this Court put a pointed question to learned counsel for the petitioner, who appears virtually, as to how a service dispute can be raised by way of PIL, learned counsel submitted that this is not a service dispute and that the decision of the State Government for



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granting compassionate appointment to the private respondents is being challenged.

4. The point as to whether service dispute can be raised by way of a PIL is well settled now through various decisions of the Apex Court, in the cases of *Dr. Duryodhan Sahu vs. Jitendra Kumar, (1998) 7 SCC 273; Neetu Vs. State of Punjab, (2007) 10 SCC 614; Dattaraj Nathuji Thaware vs. State of Maharashtra, (2005) 1 SCC 590; and Vishal Ashok Thorat and others vs. Rajesh Shripambapu and others, (2020) 18 SCC 675*. The relevant extract of *Dattaraj Nathuji Thaware's case (supra)* is reproduced hereunder for ready reference:-

“11. As noted supra, a time has come to weed out the petitions, which though titled as public interest litigations are in essence something else. It is shocking to note that Courts are flooded with large number of so-called public interest litigations where even a minuscule percentage can legitimately be called as public interest litigations. Though the parameters of public interest litigation have been indicated by this Court in large number of cases, yet unmindful of the real intentions and objectives, Courts are entertaining such petitions and wasting valuable judicial time which, as noted above, could be otherwise utilized for disposal of genuine cases. Though in *Dr. Duryodhan Sahu and Ors. v. Jitendra Kumar Mishra and Ors. 1998 (4) SCT 213 (SC)*, this Court held that in service matters PILs should not be entertained, the inflow of so-called PILs involving service matters continues unabated in the Courts and strangely are entertained. The least the High Courts could do is to throw them out on the basis of the said decision. The other interesting aspect is that in the PILs, official documents are being annexed without even indicating as to how the petitioner came to possess them. In one case, it was noticed that an interesting answer was given as to its possession. It was stated that a packet was lying on the road and when out of curiosity the petitioner opened it, he found copies of the official documents. Apart from the sinister manner, if any, of getting



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such copies, the real brain or force behind such cases would get exposed to find out the truth and motive behind the petition. Whenever such frivolous pleas, as noted, are taken to explain possession, the Court should do well not only to dismiss the petitions but also to impose exemplary costs. It would be desirable for the Courts to filter out the frivolous petitions and dismiss them with costs as afore-stated so that the message goes in the right direction that petitions filed with oblique motive do not have the approval of the Courts.”

5. If anybody is aggrieved, then the person who has got compassionate appointment is always free to approach this Court or any other appropriate forum for that matter by raising a service dispute before the Single Bench.

6. In view of the law laid down by the Apex Court as extracted above, this Court is of the considered view that since service disputes are personal in nature, they ought to be raised either by the aggrieved person or by the heirs of said person.

7. In view of above, this Court deems it appropriate to declare that the present petition as PIL is not maintainable and is dismissed as such with cost of Rs. 10,000/-, which shall be deposited in the with the Poor Patients Wefare Fund of the PGIMER, Chandigarh.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

12.03.2026

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i)	<i>Whether speaking/reasoned?</i>	<i>Yes/No</i>
ii)	<i>Whether reportable?</i>	<i>Yes/No</i>