

Smt. Kamala Gaiind

Vs

State of Punjab and Others

Civil Appeal No. 3311 of 1990

12.07.1990

ORDER

1. Special leave granted.

2. We have heard counsel for the parties. Appellant's husband was working as an Additional District Judge in Punjab Judicial Service and was holding charge of a Designated Court when he was gunned down by the terrorists on September 1, 1986. It appears that taking into consideration the circumstances in which public officers engaged on duty are killed by the terrorists, government have framed a scheme for providing job to one of the members of the family so affected. Appellant's son, a graduate (by now a Law Graduate) was offered Class II State Service on the executives side while in similar situations dependents of public servants killed by terrorists have been given Class I post. Two instances have been cited, one being the case of an Executive Officer and the other of a Judicial Officer. In both the cases Class I jobs have been provided. Respondents have failed to indicate any justification for such discrimination. Even if it is compassion, unless there be some basis there is no justification for discriminatingly extending the treatment. We, therefore, direct that within three months from now a suitable Class I post in P. C. S. Executive shall be provided to the appellant's son in lieu of the offer already made.

3. The appeal is disposed of accordingly. No costs.

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