

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

**CWP-2150-2011 (O&M)
Date of Decision : 20.03.2015**

ROSHNI DEVI

... PETITIONER

VS

STATE OF HARYANA AND ORS

... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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

Ms.Shruti Goyal, Addl. A.G., Haryana.

Mr.Raman B.Garg, Advocate
for the respondent No.3.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J.(ORAL)

By this petition the petitioner has claimed compassionate appointment. The admitted facts are that the husband of the petitioner had died on 21.08.2005. It is not disputed that w.e.f. 01.08.2006 the policy of compassionate appointment was discontinued and the policy of granting of financial assistance was promulgated. These are admitted facts.

The precise contention made by the learned counsel for the petitioner is that one person had died subsequent to the husband of the petitioner but his son was granted compassionate appointment even though as regards the petitioner, it was sought to be urged that the new policy having been come into force, she should be only granted financial assistance.

It is further pleaded that that person's appointment was also sought to be

cancelled but he filed a CWP No.18618 of 2009 which was allowed on 06.05.2010 on the precise basis that the policy at the time of death had to be applied and not the policy in operation at the time when the application was considered. It is further stated that after this judgment the respondents reinstated that person.

Learned counsel for the respondents are not in a position to deny these facts.

In these circumstances the argument that the subsequent policy would apply has no meaning. The respondents have given compassionate appointment to a person whose predecessor-in-interest had died after the husband of the petitioner and when they terminated his services that person filed a writ petition in this regard and this Court had ordered that policy in operation at the time of death would apply. The respondents having accepted that judgment can not be now heard to urge otherwise.

Consequently the petition is allowed.

Respondents are directed to consider the case of the petitioner in view of the case mentioned above within a period of two months from the date of receipt of a certified copy of this order.

March 20, 2015

Pooja Sharma-I

(AJAY TEWARI)
JUDGE