

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

**CWP No. 17600 of 2013
Date of decision: September 14, 2015**

Harmesh Kaur ...Petitioner

Versus

State of Haryana and anr. ...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. D.K. Prajapati, Advocate
for the petitioner.

Mr. D.K. Mittal, DAG, Haryana

Mr. Atul Aggarwal, Advocate
for respondent No.2.

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HARINDER SINGH SIDHU, J.

Late Gurdev Singh, husband of the petitioner, was employed as Instructor(Fiber) with Haryana Khadi Gramdhyog Board. Unfortunately he died in harness on 16.03.2005 leaving behind the petitioner(his widow), two sons and a daughter. The petitioner after about two months of the death of her husband, had submitted an application dated 17.05.2005 requesting that compassionate appointment be given to her younger son namely Rakesh Kumar. However, no action was taken on the same. No information was ever supplied to the petitioner. It was only on 03.03.2011 in response to her application under Right to Information Act, 2005, that it was disclosed that at the time of the death of her husband, there was provision to give employment to the

dependent of the deceased employee. But later the Haryana Government had made a provision to give an ex-gratia amount of Rs.5,00,000/- in place of compassionate appointment. It was also disclosed that the case for compassionate appointment regarding the son of the petitioner was pending at second place in the seniority list under the old rules.

Subsequently, on 23.01.2012 the petitioner submitted another application seeking appointment for her elder son namely Rajesh Kumar instead of her younger son Rakesh Kumar. This was followed by another application dated 23.07.2012.

When no action was taken on the aforesaid applications, the petitioner again applied under the Right to Information Act, 2005 to know about the status of her applications.

When the required information was not supplied to the petitioner, she was forced to file an appeal under RTI Act, wherein, it was disclosed that the application of the petitioner seeking compassionate appointment to her son Rajesh Kumar could not be considered as it was time barred having been submitted after the period of limitation was over. It was also indicated that the policy to give employment to the dependent of the deceased employee is no longer in existence and as per amended rules, only compensation amount of Rs.5,00,000/- is payable.

In view of the long passage of time and as per the stand of the respondents, learned counsel for the petitioner states that she would be satisfied if compensation of Rs.5,00,000/- in terms of policy of 2006 is given to her.

Learned counsel for respondent No.2 refers to the written statement, wherein, it is stated that a cheque of Rs.5,00,000/- was sent to the petitioner on 27.09.2013 but the same was returned back. He states that a fresh cheque of Rs.5,00,000/- would be given to the petitioner within a period of two months.

Learned counsel for the petitioner agrees with the aforesaid offer.

In view of the aforesaid, this writ petition is disposed of with a direction to respondent No.2 to release the ex-gratia amount of Rs.5,00,000/- to the petitioner within a period of two months from the date of receipt of a certified copy of this order, failing which the petitioner would be entitled to claim the same with interest @8% per annum thereafter, till the payment is made.

(Harinder Singh Sidhu)
Judge

14.09.2015
dinesh