

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16942 of 2014
Date of Decision:- 07.09.2015.

Krishna Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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

Present: Mr. A.K. Khubbar, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

P.B. BAJANTHRI, J.

1.) Petitioner has sought for direction to the respondents to grant financial assistance. Petitioner's husband Late Sh. Tara Chand was working as a Peon in the PWD (B&R) Department. He passed away on 3.8.2004 while in service. The petitioner stated to have requested to appoint her son to the post of Peon on 26.8.2004 under the Scheme of Compassionate grounds. Her grievance was considered and petitioner's son was offered post of Beldar on 17.1.2006 vide Annexure P-2. However, the same was not accepted by the petitioner's son and the petitioner requested to appoint her son to a Peon post. The respondents did not consider the request of the petitioner to appoint her son to the post of Peon and it was made clear that petitioner's application shall be considered as

per the then Scheme of the Government dated 3.8.2006 vide Annexure P-3. Thereafter, the grievance of the petitioner was not considered. Hence, this petition.

2.) Learned counsel for the petitioner submitted that both the post of Peon and Beldar are Group 'D' posts. Consequently, petitioner's son is entitled to seek appointment to the post of Peon. Due to inaction of the respondents, the petitioner sought alternative request to grant financial assistance to the petitioner under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees, Rules, 2003, 2005 and 2006.

3.) Per contra, learned counsel for the State submitted that the petitioner's son was offered compassionate appointment to the post of Beldar which is equivalent to the post of Peon and the same was refused by the petitioner's son. He further pointed out that insofar as exercising option to compassionate appointment or to ex gratia financial benefit, legal heir can exercise option only once as per para 4(2) of the Notification dated 28.2.2003 vide Annexure R-2. Thus, it was pointed out that the petitioner has already exercised option to compassionate appointment and the same was extended to petitioner's son. If the petitioner's son has not accepted compassionate appointment, question of granting ex-gratia financial assistance to the petitioner may not arise in view of Para 4(2) of the Notification dated 28.2.2003 vide Annexure R-2.

4.) Heard learned counsel for the parties.

5.) It is also decision of the State Government regarding giving compassionate appointment as well as ex gratia financial benefits for the legal heirs of the deceased employee. The petitioner is an illiterate. She is

not aware of Claus 4(2) of the Notification dated 28.2.2003. That exercise of option for the purpose of compassionate ground appointment/ ex gratia financial benefits shall be permitted only once and shall not be changed. The respondents should have been lenient in taking decision for the reasons that in the year 1986, it was stated by the respondents that petitioner's son do not accept the post of Beldar then the petitioner's application shall be considered as per the then Scheme of the Government vide Annexure P-3. Thereafter, no action has been taken by the respondents neither to reject the claim of the petitioner's son for appointment to the post of Peon nor they have made clear that petitioner is not entitled for ex gratia financial assistance as per Notification dated 28.2.2003 vide Annexure R-2.

5.) In view of these facts and circumstances, the respondents are directed to relax the Clause 4(2) of the Notification dated 28.2.2003 vide Annexure R-2 and to extend ex gratia financial assistance to the petitioner within eight weeks from today. It is made clear that petitioner is not entitled to any interest on ex-gratia amount.

6.) Accordingly, the petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

September 07, 2015.

sandeep sethi