

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.24705 of 2014
Date of Decision: May 05, 2015

Sumit

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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.Sandeep Singal, Advocate,
for the petitioner.

Mr.Hitesh Pandit, Addl.A.G.Haryana,
for the State.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the award dated 17.10.2014 (Annexure P-11), whereby the claim of the petitioner qua grant of *ex-gratia* compassionate employment has been rejected.

Mr.Sandeep Singal, learned counsel appearing for the petitioner submits that the father of the petitioner died in harness on 30.4.2002 and the petitioner attained the majority on 29.3.2012. He submitted the application for claiming *ex-gratia* compassionate employment on 21.12.2012, within three years from the date of attaining the majority and the authorities have misinterpreted Rule 18 of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules,

2003 (for short “the Rules”), which reads thus:-

“18. There shall be no relaxation of any provision of these rules. However, as special case, these shall be relaxed only in the cases of children who have become orphans upon the demise of the Government employee. The claim of appointment of such orphans, shall remain alive till one child has attained majority/minimum eligible age for entry into Government service.”

Mr.Hitesh Pandit, learned Addl.A.G.Haryana, appearing for the State submits that the order has been passed in a most fair and justified manner and no interference is called for.

I have heard the learned counsel for the parties and appraised the paper book.

As per Rule 18 of the Rules, ibid, the petitioner had submitted application within three years from the date of attaining the majority and, therefore, the authorities not only misinterpreted but misread the rule while rejecting his claim. The petitioner is, thus, entitled for appointment as per Rule 18 of the Rules as he submitted the application within three years from the date of attaining the majority, i.e., 21.12.2012. Accordingly, the respondents are directed to issue appointment letter to the petitioner taking into consideration the essential qualifications and prerequisites.

With the above observations, the writ petition is allowed.

May 05, 2015
ramesh

(AMIT RAWAL)
JUDGE