

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1100 of 2007

Date of decision: 1.12.2016

Rajesh Kumar

... Petitioner

Versus

Dakshin Haryana Bijli Vitran Nitgam Ltd.& ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Mr. JS Bedi, Advocate,
for the respondents.

RAJIV NARAIN RAINA, J.(Oral)

This is not a death case in a compassionate appointment issue. The claim arises out of the father of the petitioner suffering from permanent disability while in service and being invalided out of service. The claim is based on circular dated November 17, 1997 and law in Jai Ram v. UHBVN Ltd. & ors., 2004 (5) SLR 851 and Neeraj Malik v. State of Haryana & ors., 2007(1)RSJ 235.

The challenge is to the order dated September 10, 2004 passed by the authorities declining the request for ex gratia appointment. The application has been turned down for the reason that the instructions issued by letter dated August 31, 1995 stand repealed by the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2003 by the State Government and therefore, the base of the claim of the petitioner stands removed. The Nigam sought clarification from the State Government, where employees declared disabled and retired

prior to March 31, 2003 when the new rules came into force then what rights do their dependents possess. The Nigam received clarification that there is no provision in the Rules 2003 to provide ex-gratia employment to the dependents of the employees who acquired disability during service and ex-gratia grants are not admissible as per rules. In the light of the advice received from the Government the matter was considered by the Board of Directors in the Nigam in the meeting held on August 26, 2004 wherein it was decided to close all ex-gratia employment cases relating to the disabled and retired employees pending prior to March 31, 2003.

Mr. Bedi, learned counsel appearing for the Nigam draws attention of this Court to the decisions of the Supreme Court in MGB Gramin Bank v. Chakarvarty Singh, (2014) 13 SCC 583 and State Bank of India & anr. v. Raj Kumar, (2010) 11 SCC 661 to submit that the date of consideration is the date to be taken note of in a case of the present kind.

I agree with Mr. Bedi that the operating reason in the impugned order suffers from no error of law or fact and interference would not be wholly unwarranted in writ jurisdiction. The petition has no merit and is ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

1.12.2016
monika

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>