

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15786 of 2006(O&M)

Date of decision: 1.12.2016

Roshan Lal

... Petitioner

Versus

Uttar Haryana Bijli Vitran Nitgam & anr.

... Respondents

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

Present: Mr. Sushil Jain, Advocate,  
for the petitioner.

Mr. JS Bedi, Addl. A.G., Haryana.

**RAJIV NARAIN RAINA, J.(Oral)**

By passage of time this petition has been rendered incapable of relief being granted although counsel presses for relief of ex-gratia appointment a decade down the pendency of this case. The petitioner was over 27 years of age when his father died. The case of the petitioner has been declined for the reason that he was overage at the relevant time. Even assuming the reason is erroneous, it does not entitle the petitioner as a matter of right to claim compassionate appointment, which is an exception to the rule of public appointments by advertising vacancies. Therefore, it is not prudent or practical or legally necessary in exercise of extraordinary writ jurisdiction to form any opinion on whether the impugned order is good or bad and either way the conclusion would be the same. Even if the impugned order is set aside it would not follow that a mandamus will be issued to appoint the petitioner to a job. Besides, the financial status of the family has not been explained in the petition throughout the period

following the death of the office-holder and therefore, it cannot be said that it faced at any time acute financial stress. An order will not be passed merely because it is lawful to do so.

The petitioner made no sincere effort in the passing years to look for public employment on merit in open competition with others by using his skills and talent. It is too late now to provide the job to the petitioner by issuing a mandamus of the Court. I see no valid reason to interfere in the matter and would dismiss the same. The petition is, accordingly, dismissed.

It is open to the mother of the petitioner to approach the authorities to claim financial assistance in view of the dismissal of this petition qua the claim of ex-gratia appointment, in case, one of the policies of the Government is applicable to the case of the widow of the father of the petitioner then the department will process the case and act accordingly within reasonable time. In case, the money is found due and payable under the scheme/rules it should be paid to the mother of the petitioner. The mother of the petitioner is at liberty to approach the authorities, upon which the process would start and be concluded in 3 months.

(RAJIV NARAIN RAINA)  
JUDGE

1.12.2016  
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| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>No</i>  |