

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

**CWP-21215-2008 (O&M)  
Date of decision: 02.08.2016**

**Chhoti Devi****.....Petitioner****versus****State of Haryana and others****.....Respondents****CORAM: Hon'ble Mr.Justice Kuldip Singh**

Present: Mr.Manoj Chahal, Advocate for the petitioner  
Mr.Monish Sharma, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers 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?*

**Kuldip Singh, J. (Oral)**

Petitioner Chhoti Devi seeks issuance of a writ of certiorari quashing reply dated 18.3.2008 (Annexure P8), vide which, the claim of the petitioner for ex-gratia benefit has been rejected. Kurda Ram husband of the petitioner was serving as Assistant Lineman under the respondent department. He died in harness on 30.4.1997. Petitioner claims that she is an illiterate lady. She applied for ex-gratia employment as well as service benefits on account of death of her husband. Respondent department accordingly issued her letter dated 20.6.2000 asking her to submit documents with regard to proof of her age and date of birth. She obtained certificate regarding her age on 16.3.2001, wherein the doctor opined that age of the petitioner is about 40 years. Again on 20.1.2003 she was asked to submit the proof regarding her age. In reply to the said communication, she dispatched certificate issued by the Medical Officer as well as certificate issued by the

Sarpanch of the village on the basis of school record. Despite fulfillment of all the requirements, vide letter dated 17.9.2003 she was informed that her case has been closed. On 9.1.2004, she again dispatched a letter to the respondent department to re-open the case as she has sent the necessary documents to the department twice despite that no action has been taken. She made 3-4 more representations. Ultimately, her claim has been declined.

It comes out that husband of the petitioner expired on 30.4.1997. At that time, a policy of the government, issued vide memo dated 8.5.1995 (for short, the policy of 1995') was in operation. The policy provided for employment to the dependents of the deceased government employee who died in harness. There were certain conditions for appointment on compassionate ground as mentioned in the said policy. Apparently, for that purpose, the proof of age of the petitioner was called for. The dependent of the deceased was to applied within three years of the date of death of the employee. It comes out from the record that the department itself initiated the process and wrote some letters to the petitioner. First such letter is of dated 17.3.1999 (Annexure R1), asking her to produce the ration card of the family and proof of date of birth of the widow. It was followed by several letters dated 14.12.2000 (Annexure R2), dated 15.1.2001 (Annexure R3), dated 2.5.2001 (Annexure R4), dated 3.8.2002 (Annexure R5). Ultimately, after writing several letters, her case was closed in the year 2003. The petitioner then submitted written application on 9.1.2004 (Annexure P5), praying for employment on compassionate ground. It was followed by a legal notice dated 1.3.2008 (Annexure P7).

I have heard learned counsel for the parties and have also carefully gone through the file.

It comes out that the petitioner was repeatedly asked to submit the proof of her age and date of birth. After several letters she sent certificate, which was not bearing any stamp of the medical officer. Therefore, she was asked to submit better proof. Since, she did not do, case was closed in the year 2003. Thereafter, she again wrote a letter on 9.1.2004, claiming employment on compassionate ground. Admittedly, the policy Annexure P/1, which was applicable at the time of death of the deceased employee, is attracted in the present case. There were certain conditions in the said policy, wherein such claim can be made within three years. However, now, we are in the year 2016. About 19 years have elapsed and even if as per certificate claimed by the petitioner, she is above 40 years years. she might have either attained the age of superannuation or likely to attain the age of superannuation within few months.

It being so, no appointment on compassionate ground can be ordered at this stage. Otherwise, the respondents have released all the benefits of the deceased employee to the petitioner.

The writ petition stands dismissed.

**02.08.2016**

*gk*

**(Kuldip Singh)  
Judge**

Whether speaking/ reasoned:

Yes/ No

Whether Reportable:

Yes/No