

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1580 of 2011
Date of Decision:28.11.2016

Leelawati

...Petitioner

Vs.

State of Haryana & others

...Respondents

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

Present:- None for the petitioner.

Mr. J.S. Bedi, Addl. A.G. Haryana.

RAJIV NARAIN RAINA, J.

The petitioner's son was 7 years old when her husband died while in service of the Police Department. The death of the Head Constable occurred on 31.07.1994. Soon, thereafter, the petitioner made representation dated 16.08.1994 to the authorities for securing future employment for her minor son when he attains the age of majority. The name of the petitioner's son was entered in the Register of Minors on 26.11.1996 but to no avail. On the strength of this assurance, the petitioner has approached this Court in this petition filed in 2011 staking claim for a job for her son who has, in the meanwhile, acquired the B.Com degree. It is well settled that the compassionate appointment is not a right but a concession to provide immediate relief in sudden unexpected financial crisis a family may face, depending on many factors including availability of sanctioned posts and the length of the queue and paucity of vacancies in the quota for ex gratia appointments. Since the queue is for public posts which are ordinarily to be filled by open merit competition in the constitutional scheme of appointments under Articles 14 and 16 of the Constitution of

In the present case, the claim was rejected by the Government for ex gratia employment being time barred. The petitioner's son attained the age of majority on 05.07.2006. A decade has passed by. I find no reason to quash the impugned orders dated 23.12.2008 and 29.08.2009 declining the request of the petitioner.

However, she has not been offered any financial assistance so far which was her right and while denying compassionate appointment by refusing to issue a mandamus, I would however partly allow this petition and direct the respondent-State to grant the petitioner monetary benefits by way of financial assistance in terms of the policies, that is, either under the Rules-2003, 2005 or the rules notified on 1.8.2006 styled the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006, as the case may be. The petitioner would be allowed to exercise her option in terms of the applicable rules and accordingly her case will be processed for making available to her financial assistance. The Department will call the petitioner to complete the formalities within one month and thereafter, process the case in terms of the applicable rules by determining the amount allowed and the same be paid to her in accordance with her option within two months thereafter.

In view of the above, this petition is dismissed for compassionate appointment but is allowed for financial assistance.

(RAJIV NARAIN RAINA)
JUDGE

28.11.2016
neeraj

Whether speaking/reasoned
Whether reportable

Yes
No