

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.16193 of 2011 (O&M)

Date of Decision:22.11.2016

Kuldeep Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

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

Present:- Mr. Mahavir Sandhu, Advocate,  
for the petitioner.

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

Mr. Padamkant Dwivedi, Advocate  
for respondent No.2 to 4.

**RAJIV NARAIN RAINA, J.**

The State of Haryana has no concern with this case but has been unnecessarily arrayed as a party and dragged into the litigation. The claim is against power corporation, the 'Nigam'.

The respondent-Nigam offered financial assistance to the bereaved family of the Government employee but was not accepted by them in the fond hope of securing for the son of the deceased employee an appointment on compassionate grounds. The petitioner's case for compassionate appointment was refused by the authorities in the year 2006 for lack of vacancies to accommodate the claim. Existence of vacancy and position in the queue of names of claimants waiting in the priority list is sufficient reason to justify declining of the request, because vacant sanctioned posts were not available which both are *sine qua non* of the ex gratia scheme to consummate. A post could not be created to support a case of compassionate appointment nor can an order be passed by court to make

a supernumerary post. These appointments are an exception to the general rule of public appointments by open competition. The petitioner has no case for compassionate appointment and it is therefore declined by upholding refusal of the authorities to appoint him.

However, while declining the request for a job, the petitioner and his family are at liberty to approach the authorities for revival of his/her claim for financial assistance of ₹ 2.5 lacs in terms of Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003, adopted by the respondent Nigam, if the right subsists or existed as pre-existing to start with. If such a request is made by the dependents of the deceased employee it may be processed in accordance with law, expeditiously.

This petition is disposed of accordingly, in the above terms.

**(RAJIV NARAIN RAINA)**  
**JUDGE**

**22.11.2016**  
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*Whether speaking/reasoned*

*Yes*

*Whether reportable*

*No*