

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 1846 of 2010

Date of decision: 12.12.2016

Randhir Singh

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. J.S. Bedi, Addl.AG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

The Government has tried its level best to draw the petitioner to either agree to an appointment on Class IV post or exercise his option under Rule 8 of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006, but despite five letters sent to the petitioner's mother between June 16, 2006 and October 22, 2007 and lastly on December 14, 2007, his mother failed to respond to them and therefore, an inference can safely be drawn that neither she nor the petitioner was satisfied with the offer or they thought that acceptance of the offer might be taken as an abandonment of the claimed right and act as waiver or acquiescence to her predominant claim for a job for her son in the department where her late husband served and died in harness. The scheme provided by the 2006 Rules is not a charter of encashable fundamental rights and to the contrary are concession based rights addressed to the claimants as a personal measure which they can part with. That compassionate appointments and financial assistance are not claimable as a

matter of right is a well settled proposition of law. If the claimants do not come forward, they may lose their rights to the benefit designed for them to overcome hardship. It is only a fundamental right which cannot be surrendered and have to be kept open without the inhibiting principles of waiver, acquiescence etc. coming in the way to relief. If the petitioner is not happy with the Class IV post offered or feels *infra dig* or beneath his dignity to accept, the Court cannot come to his assistance by exercising power to issue writs available in Article 226 of the Constitution to mark his career and elevate his status in society. If for 11 years after the death of the government employee and during 6 years of the pendency of this petition, the petitioner has not found a suitable employment or to have humbly extended his hand to accept the offer of financial assistance to the mother and his family, it confirms my mind that the petitioner is financially well off and therefore his case cannot be viewed as a case of acute financial distress or undue hardship caused to his family by the death of the government employee, the late husband and father.

The correspondence sent by the department to the petitioner as mentioned in the last letter dated December 14, 2007 remains one-sided and has not been even mentioned in the petition, much less explained, and even no replication was filed to the written statement filed by the State to rebut the assertions contained therein. This has become the *raison d'être* to deny the claim set up in the petition which was filed six years ago.

In view of the above discussion and in the totality of facts and circumstances of the case claims of the petitioner are declined as they call for no interference by court in its discretionary jurisdiction empowered by Article 226 of the Constitution of India and accordingly, the petition is

found devoid of merit and is dismissed on both counts.

No costs.

(RAJIV NARAIN RAINA)
JUDGE

12.12.2016
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>