

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 11501 of 2013

Date of Decision : February 25, 2016

Shiv Charan Petitioner
vs.
State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. S. K. Verma, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

Through the present petition, on the death of his father, the petitioner claims compassionate appointment or in the alternative, financial assistance under the applicable ex-gratia scheme.

After hearing counsel for the parties and perusing the record, the facts, which require to be noticed, are that the father of the petitioner, while serving the Haryana Police as a Constable, died in the night intervening 29-30.06.1985. Since the petitioner was then a minor, his

mother, through an application moved on 29.03.2001, sought compassionate appointment for the petitioner. When no compassionate appointment was given, she moved another application for being granted ex-gratia payment under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003 (hereinafter referred to as – the 2003 Rules). Her request was considered and rejected through the order, which is impugned in the present petition.

It is the admitted position that the petitioner's father expired in the night intervening 29-30.06.1985. The application seeking compassionate appointment was moved for the first time by the petitioner's mother on 29.03.2001 i.e. nearly 16 years after the death of her husband (petitioner's father). No compassionate appointment after such a long delay can be ordered to be given as the same would be against the very object and purpose, for which the compassionate appointment is offered. The compassionate appointment is given to one family member of the deceased employee, who dies in harness so that the family of the deceased can overcome the sudden penury faced by it on account of the death of its bread winner. That being so, the same cannot be granted when the application for the same was made after nearly 16 years of the death of the bread winner and after nearly 31 years as on date.

On the same analogy, no ex-gratia payment can be made, especially when it is the un rebutted case that at the time of death of the

petitioner's father, the petitioner's family was given all payable benefits as per the applicable policy/instructions pertaining to the compassionate assistance.

Even otherwise, the reliance of the petitioner on the 2003 Rules is misconceived. Rule 4.1 of the 2003 Rules clearly provides that for claiming any assistance under the 2003 Rules, the application has to be made within three years from the date of death of the deceased employee, which has admittedly not been done in the case in hand.

Thus, viewed from different angles, no merit is found in the present petition and resultantly, the same is ordered to be dismissed with no order as to costs.

(DEEPAK SIBAL)
JUDGE

February 25, 2016
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