

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1830 of 2011

Date of Decision:29.11.2016

Sanjay Kumar

...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.

Despite note made in the cause list of this Court that case of compassionate appointment will be taken up in the urgent list for final hearing/disposal and no adjournment will be granted except in exceptional circumstances, no one appears on behalf of the petitioner and the matter is taken up for final disposal today itself. The breadwinner died in 2002 before the first scheme of compassionate appointment/financial assistance was introduced by the Haryana Government known as Compassionate Assistance to the Dependents of Deceased Government Employee Rules 2003. The late Government employee was a Canal Patwari serving in the Adampur Water Services Division, Irrigation Department, Hisar. The mother of the petitioner made a request on 17.02.2003 to the respondent for a job for her son on account of death of her husband. She was informed in writing on 06.10.2003 that her son could not be given appointment on the

post of Clerk and can only be considered for lower post in Class IV like Peon etc. Therefore, it appears that correspondence started with the clarification issued by the Government that appointments can be given to the equivalent posts where no lower post exists. This led to further consideration of the case of the petitioner for ex gratia appointment. Rule 6 of 2003 Rules provided a waiting list in the shape of the seniority maintained and the list prepared was to be valid for a period of 3 years. The petitioner's name figured at serial No.256 and therefore, for lack of availability of vacancies he could not be offered appointment on compassionate ground. He asserts that there are persons lower to him in the seniority list who have been offered compassionate appointment but it is not possible to measure their sufferings as against the sufferings of the petitioner and their comparative hardships. In absence of evidence, it would not be possible for this Court to measure the plea of discrimination. Mr. Bedi, learned counsel points out that there can be no comparison between the two since those names entered later in the list were son of Government employees who died while serving in Class III posts lower to the post held by the father of the petitioner. But this was not the case with the petitioner and therefore Mr. Bedi, learned counsel is right in his assertion that Article 14 of the Constitution has no place in this case. It may be noted that financial assistance of Rs. 2.5 lacs was offered to the family of the deceased employee but the same was refused in writing vide Annex. R1 dated 20.01.2005. When financial assistance offered has been refused, it is sure shot indicator that the family was not facing financial hardship and therefore, the petitioner can neither have the benefit of

compassionate appointment nor financial assistance.

In view of the above, this petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

29.11.2016
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No