

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.18743 of 2011
Date of Decision: 16.11.2016

Manmohan Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr.Raman B. Garg, Advocate for the petitioner

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

.....

RAJIV NARAIN RAINA, J. (Oral)

1. The father of the petitioner was working in the office of 5th respondent as Beldar. His father died on 10th June, 2002. This petition has been filed by the son of the deceased employee for grant of appointment on compassionate grounds.

2. In view of the explanation given in the written statement with regard to restructuring the cadre and declaration of posts in thousands surplus, the doctrine of frustration would apply. It is beyond the control of the employer when there are no posts available and therefore, there can be no compassionate appointment. I have no reason to interfere and particularly, when this Court has been informed that the petitioner is married and settled.

3. As far as the financial assistance is concerned, his mother has a case in preference over and above his case for compassionate appointment and through this petition, his mother's right to financial assistance is declared in her favour to prevent multiplicity of litigations. She would be at liberty to make an application to the respondents claiming financial assistance in terms of the

Scheme of the Haryana Government called as Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006. If an application is made within one month, the amount be determined and paid to the widow of late Sh. Dharam Pal i.e. Smt. Santosh Devi, mother of the petitioner within two months thereafter. No interest can be awarded, since the State has made offer of financial assistance thrice which was not accepted by the family of the deceased employee.

4. With the above observations and directions, this petition is dismissed.

16.11.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No