

Digambar Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

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

Present:- Mr. Ashwani Gaur, Advocate
for the petitioner.

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

RAJIV NARAIN RAINA, J. (Oral)

The father of the petitioner was working as a Driver in Haryana Roadways. He died in a bus accident on 19.07.1990 while on the wheel. The widow's request for financial assistance and to provide her son a job was made soon thereafter in the month of August 1990. In 1991, she was asked whether she wanted a job for herself. In reply she said that she wanted a job for her son who was then a minor aged about 12 years at the time of death of her husband and when he attains majority at 18 years he should be provided a job on compassionate grounds. For herself, she did not seek employment as she was illiterate and unable to accept a government job. The request has been turned down on 20.01.2005 vide Annex. P/2 by order passed by the Transport Commissioner, Haryana. The reason for the rejection is that her son was not eligible for appointment since it could be offered only within 3 years from the date of death of the government employee. Therefore, he

could not be offered any job by lapse of time. The petitioner did not challenge this order and has approached this Court in 2009 praying for relief. I find no reason to interfere in the impugned order and the period of expiration of 3 years provided under the rules is judicially accepted as valid reason to deny relief even in case of minors. A minor does not have a right to compassionate appointment on reaching the age of majority, to be provided a job as an obligation or the duty of the State. Since compassionate appointment is not a right, but a concession depending on many factors, including availability of vacancies etc. and cannot be encashed for the asking. The purpose of the scheme is for relieving immediate hardship and help in overcoming acute financial crisis that the family might face on the death of breadwinner. The financial status of the family at the time of death and during the years gone by is not demonstrated in the petition and it can be safely assumed that the family of the deceased employee was not in dire financial straits. I would, therefore, deny compassionate appointment and financial assistance. Financial assistance cannot be granted since on the date of death in 1990 there was no scheme in the Haryana Government providing for financial assistance which right came into existence for the first time in 2003 when rules were framed as modified by the superseding rules of 2005 which in turn were repealed by the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006. These last rules are not applicable to the case of the petitioner because the claim is not pending having been rejected years ago by an administrative order prior to coming into force of the 2006 Rules on 01.08.2006.

In view of the above discussion, this petition is found devoid of

merit and is accordingly ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

28.11.2016
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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No