

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision: 17.11.2016

CWP No.8549 of 2009

Navdeep

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.A.Sheoran, Advocate, for the petitioner.

Mr. Jasmeet Singh Bedi, Addl. AG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

Having regard to the facts of the case where the father of the petitioner died in 1991 serving as Constable in the Haryana Police, when he was a child, on attaining the age of majority in 2008, the petitioner would not have a claim to compassionate appointment as a matter of right on becoming major in the year 2008. By 2008, the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees' Rules, 2006 was in place, which deprived dependents of deceased government servants from claiming government jobs. Instead an attractive scheme of financial assistance was adopted which gave access to financial assistance in a sum of ₹5 lakhs and besides, the claimants had the attractive option for their families to accept by option of one of the applicable three stage scheme permissible to the petitioner depending on age of deceased government servant at the time of death, for the widow, the petitioner's mother to draw the salary of the deceased government employee till he would have superannuated from service had he continued to live.

Consequently, this petition is allowed. The petitioner and his family jointly are held entitled to the financial benefits under the 2006 Rules as per option, which they may exercise before the Authorities since the case of the petitioner has remained pending till 2009, when it was rejected by the impugned order. Accordingly, the impugned order is upheld qua compassionate appointment, but is re-modulated in terms of this order so far as financial assistance is concerned. The petitioner, thus, becomes entitled to ₹5 lakhs in terms of the Rules, 2005/2006. Let option be exercised within one month upon which let usufruct under the 2005/2006 Policy, as the case may be, and the same be made available to the family of the petitioner in terms of the money within the next two months.

17.11.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*