

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

Sr. No.106

CWP No.19834 of 2013

Date of decision: 21.03.2016

Sanjay

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jitender Dhanda, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The petitioner's father while serving the Haryana Police as a Constable died in harness on 04.04.2000. On his death, the mother of the petitioner made an application seeking appointment of the petitioner on compassionate basis. The case of the petitioner was considered but he was found ineligible for appointment as a Constable as he lacked the required physical standards. Later, though his case was considered for appointment as a Clerk but the same was rejected. Thereafter, the mother of the petitioner made another request for appointment of the petitioner as a Clerk in any other Department of the Government of Haryana but his case was again rejected through order dated 31.12.2004. In the meanwhile, the respondents had offered an amount of Rs.2.50 lacs as ex-gratia compensation which was refused both by the petitioner as well as his mother.

The present petition has been filed seeking compassionate appointment.

Learned counsel for the petitioner submits that on the death of his father in harness, the petitioner was entitled to be appointed on compassionate basis. While alleging discrimination, it is submitted that several similarly situated persons were adjusted as Clerks in different Department of the State of Haryana.

It is the admitted case that way back in the year 2001, the case of the petitioner was considered for appointment as a Constable on compassionate basis but since he failed to meet the prescribed physical standards, he was not offered appointment. On the request made by the petitioner's mother, his case was reconsidered but again rejected through order dated 31.12.2004. The present petition has been filed in September 2013 i.e. after an unjustifiable and unexplained delay of nearly nine years after the rejection of the case of the petitioner. Such delay while seeking compassionate appointment is fatal.

Grant of compassionate appointment after the afore-referred period of delay would go against the very object and purpose for which compassionate appointment is given.

The prayer of the petitioner for the grant of ex-gratia compensation is also required to be considered only to be rejected. It is the uncontroverted position that the ex-gratia amount of Rs.2.5 lacs was offered to the petitioner and his mother way back in the year 2004 but the same was refused. No claim for seeking ex-gratia compensation was made thereafter. Even in this petition no such prayer has been made.

The plea of discrimination raised by the petitioner also does not come to his help especially on account of the delay in his case as noticed above. Further, it is the admitted case that the persons mentioned in the petition against whom discrimination is alleged were given appointments between the years 2001 and 2006. The present petition has been filed after seven years of the date of their appointment without any explanation for the delay.

In view of the above, I find no merit in the present petition and the same is order to be dismissed.

(DEEPAK SIBAL)
JUDGE

March 21, 2016
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