

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No.25377 of 2012

Date of Decision : February 24, 2016

Kamla Devi Petitioner

vs.

The Chief Secretary to Govt. Haryana
and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Sailender Singh, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

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DEEPAK SIBAL, J. :

Through the present petition, on account of the death of her husband in harness, the petitioner seeks ex-gratia financial assistance of ₹ 5 lacs or in the alternative, employment for her elder son on compassionate basis.

After hearing counsel for the parties and perusal of the record, the facts, which have emerged are that the petitioner's husband, while serving the Haryana Police as a Constable, died on 22.09.1985. While responding to the petitioner's application seeking compassionate

appointment, through order dated 12.03.1986, she was asked whether she would like to join on a post of Peon in a school or a hospital. She was further asked to opt for the places where she desired to serve. On the opted post, there being no vacancy at that time, no appointment was offered to her. Through order dated 25.06.1991, the petitioner was again asked if she was still interested to be appointed and if her answer was in the affirmative, she was asked to opt for the desired department and places of work. Having received no response to the afore-referred offer, on 27.05.2004, she was asked to give consent for receiving an amount of ₹ 2.5 lacs as ex-gratia compensation, which she refused. In the year 2004, on her application, her son was considered for appointment but since he did not meet the required physical standards, he could not be offered appointment. In this regard, the petitioner was informed way back in the year 2004.

The petitioner's husband died nearly 31 years ago. Further, once way back in the year 1991, when offered appointment, the petitioner failed to respond and again in the year 2004, when she was offered ex-gratia compensation of ₹ 2.5 lacs, which she flatly refused to accept, she cannot, through the present petition filed after eight years thereafter in the year 2012, be granted any assistance on compassionate basis not only on the ground of estoppel but also on the ground of gross delay. At this stage, to allow her claim would be against the very purpose and object, for which compassionate assistance is offered.

So far as the claim of the petitioner to be awarded ₹ 5 lacs under the Haryana Compassionate Assistance to the Dependents of

Deceased Government Employees Rules, 2005 (hereinafter referred to as – the 2005 Rules) is concerned, the same cannot be granted to her as the petitioner's husband died on 22.09.1985 and that till the year 2004 i.e. before the 2005 Rules came into force, the petitioner had virtually refused employment and that her application for appointment of her son had also been rejected. Her case having already reached a logical end in the year 2004 would not make applicable to her the 2005 Rules.

So far as the prayer with regard to grant of compassionate appointment to her elder son is concerned, the same was also considered and rejected by the respondents in the year 2004. After inordinate and unjustifiable delay of eight years between such rejection and the filing of the present petition, this plea also cannot be accepted, especially when the same is made on compassionate basis.

In view of the above, finding no merit in the present writ petition, the same is ordered to be dismissed with no order as to costs.

February 24, 2015
monika

(DEEPAK SIBAL)
JUDGE