

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

**C.W.P No. 2790 of 2007
Date of decision : 04.04.2016**

Mithlesh Mishra

...Petitioner

versus

H.S.M.I.T.C Ltd. and ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rakesh Nehra, Advocate
for the petitioner.

Mr. D.K. Khanna, Advocate
for respondent no. 1.

Mr. Keshav Gupta, A. A.G. Haryana

RITU BAHRI , J. (Oral)

The husband of the petitioner was working with the respondents on the post of Junior Engineer and he died on 04.07.2001 while working on the post of Junior Engineer as per (Annexure P-1). Thereafter, the petitioner's application for compassionate appointment was rejected by the respondent vide letter dated 15.06.2004 (Annexure P-6) on the ground that the Corporation has been closed w.e.f 30.07.2002 after seeking permission of the Appropriate Government under Section 25-O of the Industrial Dispute Act and more than 200 applicants on the waiting list, seeking employment on compassionate ground when the Corporation was closed and in view of the fact that the Corporation has been closed, there was no feasible ground to give employment or financial assistance to the petitioner.

On notice written statement has been filed by the respondent No. 1 retraining that the Board of Directors of Haryana State Minor Irrigation and Tubewell Corporation vide resolution dated 18.04.2002 in its 149th meeting held that the Corporation has been closed down after completing all its requirements and the appropriate Govt. had given the necessary permission under Section 25-O of the Industrial Disputes Act 1947. The petitioner was informed vide Annexure P-6 that it is not feasible to give employment or financial assistance because, the Corporation has been closed down w.e.f. 30.7.2002 and there was more than 200 applicants on the waiting list seeking employment on compassionate ground and their applications were rejected.

The HSMITC is an autonomous body established under the Company Act and the Haryana Govt. Rules 2003 have never been adopted by the Corporation and as such, the petitioner is not entitled to claim the benefit. The Corporation has attached two judgments passed by this Court (Annexure R4 and R5) wherein it has been held that appointment on compassionate ground cannot be claimed as a matter of right and petitioner was to be given appointment on her turn and as per the rules and regulations.

Learned State counsel has further referred to instructions dated 24.10.2000 issued by the Financial commissioner and Secretary to Government Haryana Finance Department to all the Heads of Department/Corporations etc with regard to grant of bonus/ex gratia to the employees of Public Sector Undertaking-policy wherein it has been stated that the decision regarding payment of ex gratia will be taken by the Management only after Annual accounts of the Public Enterprises are duly

audited and if there are sufficient allocated surplus.

In the present case, once the Corporation has been closed w.e.f 30.07.2002 after seeking permission of the Appropriate Government under Section 25-O of the Industrial Dispute Act and more than 200 applicants on the waiting list seeking employment on compassionate grounds, no ground is made out for quashing the impugned order dated 15.06.2004 (P-6) whereby the claim of the petitioner has been rejected.

The petition is dismissed.

(RITU BAHRI)
JUDGE

04.04.2016

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