

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 23814 of 2014

Date of Decision : March 11, 2016

Krishan Mata Petitioner
vs.
State of 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. Deepak Sonak, Advocate
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks appointment on compassionate ground or in the alternative, consideration of her case for the grant of ex-gratia compensation under the Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rules, 2003 (hereinafter referred to as – the 2003 Rules).

Shorn of unnecessary details, the facts, which are borne out from the record of the case and which have emerged from the arguments raised at the bar are that the father of the petitioner, while serving in the Irrigation Department, Government of Haryana, on 11.09.1997, died in

harness. After about four years i.e. in the year 2001, her mother also expired. The petitioner attained majority on 20.12.2006 and after about 2½ years thereafter, on 03.06.2009, applied for appointment on compassionate basis. On the rejection of her claim, the present petition has been filed.

So far as the claim of the petitioner with regard to appointment on compassionate basis is concerned, the same cannot be granted. Admittedly, her father died on 11.09.1997. For about four years thereafter, when her mother was alive, no application for seeking compassionate appointment was made. She attained majority on 20.12.2006, but applied for compassionate appointment only on 03.06.2009 i.e. after an unexplained gap of over 2½ years. The aforesaid delay on the part of the petitioner and her late mother, while seeking appointment on compassionate basis, is fatal. Even otherwise, the present petition has been filed after about 17 years of the date of death of petitioner's father.

In view of the afore-referred delay, no appointment on compassionate basis can be granted as the same would be against the very purpose, for which the compassionate appointment is made, which is to bring the family out of a sudden penury it faces on account of the death of its sole bread winner.

The applicable policy at the time of death of the father of the petitioner was the policy dated 08.05.1995, which provided that for being eligible for appointment under that policy, an application seeking compassionate appointment was required to be made within three years from the date of death of an employee. Admittedly, the father of the

petitioner died on 11.09.1997 and no application was made either by the petitioner's mother or on behalf of the petitioner seeking compassionate appointment within three years of his death. It may be noticed that for this period of three years, the mother of the petitioner was alive.

The alternate claim of the petitioner for the grant of ex-gratia compensation under the 2003 Rules is also not liable to be granted. As noticed above, the petitioner's father died on 11.09.1997. The applicable ex-gratia Scheme, on the date of his death, was dated 08.05.1995 and as discussed above, the case of the petitioner is not entitled to be favourably considered under the same. So far as the 2003 Rules are concerned, no reliance on the same can be placed by the petitioner as these Rules came into effect on 28.02.2003 and were to apply to cases, where the date of death of an employee was after 28.02.2003 and to cases, which were pending on that date. The case of the petitioner is not covered under either of the situations.

In view of the above, the present petition is hereby ordered to be dismissed with no order as to costs.

(DEEPAK SIBAL)
JUDGE

March 11, 2016
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