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

CWP No.5020 of 2015

Date of Decision: 04.03.2016

Sita Ram

. . . Petitioner

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ashish Rawal, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Deepak Sibal, J. (Oral)

The petitioner's father who was serving as Peon in the Education Department, Haryana, on 13.10.2005 died in harness. In February 2006, the petitioner made an application seeking compassionate appointment on account of his father's death under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005 (hereinafter referred to as the 2005 Rules). The case of the petitioner was considered and rejected. The said rejection was challenged by the

petitioner by filing Civil Writ Petition No.2689 of 2008 in this Court, which was disposed of on 13.07.2009 as under:

“Father of the petitioner died on 13.10.2005. The petitioner applied for ex-gratia employment under the instructions of 2003, which were then applicable. Subsequently, Government formulated another scheme w.e.f. 18.11.2005 governing ex-gratia employment/ex-gratia assistance. With effect from 1.8.2006 Government has formulated new policy where employment is not to be given but only financial assistance is provided. The Claim of the petitioner has been rejected on the ground that he cannot be given employment in view of latest policy.

Para 6 of the instructions which is reproduced in the writ petition clearly provide that the petitioner has option to seek payment etc. under Rules 2003 or 2005, as the case may be, in lieu of the monthly assistance. When attention of the counsel is invited to this part of the rule, he is unable to confirm or deny if the petitioner has exercised the option available to him. Since Rule 6 itself makes a provision for giving option to the person concerned to opt for 2003 or 2005 which is prayer made in the petition, there was hardly any need to file the petition. The petitioner could have easily opted for these rules, in case, he so desires. The petitioner may do so now, If he does so, the respondent may take action on his option/representation in accordance with law.

The writ petition is disposed of accordingly.”

As per liberty granted in the above quoted order, the petitioner through application, in November, 2009, again sought compassionate appointment, which was rejected vide order dated 09.05.2010 (Annexure P-6). Through the present writ petition, order dated 09.05.2010 is challenged and in the alternative, it is prayed that the petitioner be granted Rs.5 lacs as ex-gratia compensation as provided under the 2005 Rules.

The State has denied the petitioner's claim for appointment on compassionate basis as also with regard to the grant of Rs.5 lacs under the 2005 Rules. However, the record reveals that in the years 2009, 2010 and again as recently in the year 2015 after favourably considering the case of the petitioner, he was offered Rs.2.5 lacs under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003. However, the same was refused to be accepted by the petitioner initially because his application seeking compassionate appointment was pending and later on account of pendency of the present petition.

As noticed above, the offer of Rs.2.5 lacs made in the year 2015 was refused on account of pendency of the present writ petition. Learned counsel for the petitioner after taking instructions from the petitioner submits that the amount of Rs.2.5 lacs offered by the respondents as ex-gratia compensation is acceptable to the petitioner. That being so, the amount of Rs.2.5 lacs offered to the

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petitioner in the year 2009 and 2010 and as recently on 09.03.2015, is directed to be paid to the petitioner.

The needful be done within 3 months from today.

The writ petition is disposed of in the above terms.

[DEEPAK SIBAL]
JUDGE

04.03.2016
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