

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

Sr. No.109

CWP No.6337 of 2016 (O&M)

Date of decision:17.05.2016

Birmati and another

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajesh Sehgal, Advocate
for the applicants-petitioners.

* * *

DEEPAK SIBAL, J. (Oral)

C.M. No.5920-CWP of 2016

Through the present application, affidavit of petitioner No.2 as well as letter dated 17.09.2013 (Annexure P-8) are sought to be placed on record.

Allowed as prayed for.

CM stands disposed of.

Main Case

Through the present petition, the petitioners are seeking quashing of letter dated 24.12.2015 (Annexure P-7) through which their claim for ex-gratia financial assistance on the death of husband of petitioner No.1 and father of petitioner No.2 has been negated.

The relevant facts which require to be noticed for adjudicating upon the issue raised in the present petition are that on 05.04.1996,

Om Parkash husband of petitioner No.1 and father of petitioner No.2 who was serving the respondent-State of Haryana as a PTI Teacher died in harness. In the year 1999, petitioner No.1 made an application for the appointment of her son petitioner No.2 on compassionate basis. It was pleaded that since petitioner No.2 at that time was minor, he be given appointment when he attains majority. When petitioner No.2 attained majority, his case was considered but since the same was not found to be covered under ex-gratia policy dated 08.09.1995, which was applicable at the time of death of his father, through letter dated 17.09.2003 his claim for appointment on compassionate basis was rejected. For about 11 years thereafter neither of the petitioners raised even a little finger as it was only through an application dated 26.08.2014 that they applied for ex-gratia compensation which was also considered and rejected giving a cause to the petitioners to approach this Court through the present petition.

After hearing learned counsel for the petitioners, I am of the view that the grant of compassionate assistance to the petitioners on the death of Om Parkash over 20 years ago would be against the very objects for which compassionate assistance is given. It is settled law that ex-gratia financial assistance or compassionate appointment is given to the family of the deceased to bring the family out of the sudden financial distress that it may find itself on the death of its sole bread winner. After 20 years of the death of the bread winner, claim for compassionate assistance, in my view would not lie, especially when even after the rejection of the case of the petitioners for compassionate appointment way back in the year 2003 both the petitioners kept silent for about 11 years.

In view of the above, finding no merit in the present petition,
the same is ordered to be dismissed.

No costs.

(DEEPAK SIBAL)
JUDGE

May 17, 2016

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