

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

206

**CWP No.1062 of 2010
Date of Decision : 07.02.2017**

Deepak and another Petitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Rakesh Nagpal, Advocate
for the petitioners.

Mr. Jasmeet Singh Bedi, Addl.A.G., Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioners have challenged the letters dated 07.10.2004 (Annexure P-4) and 17.06.2009 (Annexure P-8) whereby their request for compassionate appointment has been rejected.

Brief facts of the case are that father of the petitioner No.1 died as a serving Constable in the year 2001 and consequently his mother applied for the job in the same year. Ultimately his mother-petitioner No.2 received a letter (Annexure P-4) rejecting her claim being time

barred. Thereafter she again approached the respondents for reconsidering her claim and the Superintendent of Police, Gurgaon had again recommended her case for reconsideration to the respondent No.2-Director General of Police but no action was taken. During this interregnum the petitioner No.1 attained majority and he applied for appointment in the respondent department on the post of Constable. His claim has also been rejected vide letter (Annexure P-8) and therefore he is before this Court.

Learned counsel for the petitioners has fairly accepted that the petitioner No.1 now can not claim compassionate appointment in view of the decision of the Supreme Court in the matter of ***Union of India and others vs. Sima Banerjee, passed in Civil Appeal No.251 of 2017, decided on 10.01.2017.*** However, he claims that he would have to be given the benefit of ex-gratia compensation in terms of the Government policy.

In the circumstances, though the prayer for compassionate appointment is rejected yet the respondents are directed to pay the ex-gratia compensation of Rs.2.5 lacs, which was offered earlier and declined by the petitioner No.2, to the petitioners in equal shares within a period of two months from the date of receipt of a certified copy of this

order, failing which, the petitioners would be entitled to claim the same with interest @ 12% per annum from today.

Petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 07, 2017

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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No