

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

**CWP No.13360 of 2010 (O&M)
Date of Decision : 19.04.2017**

Sunil Yadav

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Sudhir Aggarwal, Advocate
for the petitioner.

Mr. J.S.Bedi, Addl. A.G., Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed for issuance of directions to the respondent-authorities to appoint the petitioner on compassionate grounds.

The father of the petitioner was working as a Driver and died in harness on 12.08.2005. He applied for a job on compassionate grounds on 09.09.2005. Pursuant to reminder dated 21.01.2009 the respondent No.4 forwarded the case to the respondent No.3. However in response thereto the petitioner was informed that in this interregnum the 2006 Rules had come into existence and therefore, the petitioner would be held entitled only to the benefits provided under those Rules. It is in these circumstances that the present petition was filed claiming that the petitioner was entitled to be given a job.

Learned counsel for the petitioner has fairly accepted that the issue of grant of job is now beyond the pale of any controversy 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 2006 policy.

Learned Addl. Advocate General has also accepted that the petitioner would be entitled to the benefits under the 2006 Rules and in those Rules there are an option of getting fixed amount or monthly financial assistance.

Learned counsel for the petitioner states that the petitioner would be satisfied with getting monthly financial assistance.

Resultantly, the petition is disposed of with a direction to the respondents to compute the payments now due to the petitioner under the monthly financial assistance and to pay the same to him within a period of three months and to continue to pay the amount of monthly financial assistance till such time the petitioner is entitled for the claim.

It is made clear that if the arrears are not paid within a period of three months from the date of receipt of certified copy of this order the petitioner would be entitled to claim the same with interest @ 8% p.a. from the date/s the amount/s fell due till the date/s of payment/s.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

19.04.2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No