

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

CWP No. 18322 of 2017
Date of decision: 31.10.2017

Hoshiyar Singh

....Petitioner(s)

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Sandeep Verma, Advocate,
for Mr. Minderjeet Yadav, Advocate,
for the petitioner.

Mr. Santosh, Advocate,
for Mr. Partap Singh, Advocate,
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

Challenge in the present writ petition is to the orders dated 09.03.2005, 24.01.2006 and 24.08.2010 (Annexures P-4, P-6 and P-9) respectively. Vide the said orders, the petitioner has been offered the payment of Rs. 2,50,000/- in lieu of compassionate appointment on account of the death of the father Mohan Singh, who had expired after attaining the age of 55 years while in service being an Assistant Linesman. The petitioner had not been satisfied by the said payment and was seeking compassionate appointment but the decision was reiterated vide the impugned orders and accordingly on 24.08.2010 (Annexure P-9), necessary documents were sought for the payment of the said amount. Resultantly, the petitioner has approached this Court seeking appointment on compassionate grounds.

The Supreme Court in *Umesh Kumar Nagpal vs. State of*

Haryana and others, 1994 (4) SCC 138; Shreejith L. vs. Deputy Director (Education) Kerala and others, 2012 (7) SCC 248 has held that appointment on compassionate basis after a long time is not liable to be granted. The said view has been further reiterated in ***Union of India vs. Sima Banerjee, 2017 (1) RSJ 351.***

In such circumstances, this Court is of the opinion that the claim as such which is sought for compassionate appointment is not justifiable since the death took place on 10.08.2001 of the employee. Even otherwise, the Full Bench of this Court in ***Krishna Kumari vs. State of Haryana and others, 2012 (4) SLR 481*** has held that the date of death is the relevant date and the subsequent instructions as such will not come to the benefit of the petitioner whereby the amounts of ex-gratia have been enhanced. It is settled principle that the Rules would be prospective in nature and, therefore, the respondents were well justified in holding out that the petitioner would be entitled only to a sum of Rs. 2,50,000/- at that point of time.

Accordingly, the present writ petition is disposed of with a direction that the respondents shall process the case of the petitioner for the payment of the above said amount by calling upon him to submit the requisite documents. The said exercise be completed within a period of two months from the date of receipt of certified copy of the order.

31.10.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No

