

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20648 of 2011

Date of Decision:-27.02.2017.

Shyam Lal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sanjeev Kumar Panwar, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has sought for quashing of the inaction on the part of the respondents in not providing him ex gratia employment on compassionate ground in view of the prevalent policy on the subject in the year 2002 and further has sought for a direction to consider his name for appointment on compassionate ground in terms of the judgment dated 22.8.2008 vide Annexure P-9.

2.) The petitioner's father who was working as Electrician in the Transport Department died on 28.2.2002. At the relevant point of time, the petitioner was a minor. He has attained major only in the month of February, 2011. Thus, he has submitted representation in the month of May, 2011. The respondents have not taken any action on the petitioner's representation. Thus, the present petition has been filed.

3.) Learned counsel for the petitioner submitted that petitioner is entitled for compassionate appointment with reference to Government instructions governing the Employment to the dependents of the deceased Government Employee under ex gratia Scheme dated 8.5.1995 which was prevailing upto 2003. The petitioner's father died in the year 2002. Therefore, the instructions dated 8.5.1995 is applicable. The instructions provide for making an application within 3 years of the death of the Government employee. Therefore, inaction on the part of the respondents in not considering petitioner's grievance.

The petitioner after completion of 3 years from his father's death was still minor, therefore, question of considering his claim for compassionate appointment does not arise. No doubt the respondents have not taken any action on the petitioner's representation for consideration of his name for compassionate appointment. At the same time, the object of the policy relating to grant of ex gratia appointment is to meet the harness in the family. Since in the present case, petitioner's family survived from 2002 to 2011, therefore, question of harness in the year 2011 may not arise. In view of delay and laches in seeking appointment by the petitioner, the petitioner has not made out a case.

4.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

February 27, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.