

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

CWP-22697-2011

Decided on: 04.08.2017

Madia

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.S. Maanipur, Advocate,
for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

AMOL RATTAN SINGH, J (ORAL)

By this petition, the petitioner is seeking compassionate appointment upon the unfortunate death of her husband, who was working as a Beldar, with the respondent-department. He died on 24.10.2005, having served in that capacity from 01.04.1997 as a regular employee, prior to which he was working on daily wages since 1986, as contended.

As per Mr. Maanipur, the issue only is as to whether the petitioner, having been refused appointment on compassionate basis in the year 2006, can be granted such appointment subsequently, on the ground that her case was rejected only for appointment as a Beldar and not for appointment in any other class or post.

That matter is not, in fact, even being touched upon by this Court, for the reason that the order rejecting the case of the petitioner for appointment is dated 28.06.2006 (Annexure P-3), as contained in the letter of the Engineer-in-Chief, Haryana, PWD B & R, Branch, addressed to the Superintending Engineer, N.H. Circle of the PWD B & R Branch, Karnal, a copy of which has been annexed as Annexure R-2 with the written statement filed by the respondents.

The petitioner having approached this Court by filing this writ petition in the year 2011, even though it can be understood that she being illiterate would not be fully aware of her rights, yet the rules themselves governing such appointment, i.e. the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003, stipulating in rules 6(i)(a) that the list of such dependents of deceased employee, as have applied for compassionate appointment, would be valid for a period of 3 years, the petitioner having filed the writ petition in the year 2011, cannot be granted appointment to any post.

However, as regards the petitioner's claim to Rs.2.5 lakh financial assistance in terms of rule 4(i)(b) of the aforesaid rules, this Court would not, even on the ground of delay, deny a widow of a deceased employee that benefit, it being admitted upon query that she was never offered the said benefit by the respondents.

Consequently, this petition is allowed to the extent that the petitioner be paid a sum of Rs.2.5 lakhs financial assistance, with interest thereupon @ 9% per annum, running from the date of her application for appointment on compassionate basis, till date the amount is released to her.

The aforesaid financial benefits be given to her within a period of 03 months from the date of receipt of a certified copy of this order.

(AMOL RATTAN SINGH)
JUDGE

04.08.2017

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No