

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

CWP No. 14687 of 2014
Date of decision: 21.11.2017

Sanjay

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

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

Present: Mr. Chanderhas Yadav, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks appointment on compassionate grounds and seeks quashing of the order dated 08.06.2012 (Annexure P-6) passed by respondent no. 3. Vide the said communication, it has been noticed that the petitioner's mother was paid a sum of Rs.2,50,000/- vide office order dated 09.05.2008. On account of no provision for appointment of the dependant of the deceased-employee on that account, the request was rejected.

The petitioner's father who was working as a driver had expired on 29.07.2002. Initially, an application had been filed for appointment on the post of a clerk which was returned on 06.01.2003 (Annexure R-1) on account of the Government instructions dated 07.02.2001. The said instructions provide that appointment could be given only on a post which was one post down. Resultantly, the case of the petitioner for appointment on Class-IV post was processed and it was put in the waiting list. In the meantime, Haryana Compassionate Assistance to the Dependents of

Deceased Government Employees Rules, 2003 came into force and the petitioner's mother was informed vide letter dated 10.09.2003 (Annexure R-4) that on account of the 5% vacancies for compassionate grounds being available, there was a provision of providing Rs.2,50,000/- as payment in the alternative. A representation was received on 10.02.2004 to appoint the petitioner on the post of Clerk withdrawing the earlier consent given on 10.02.2003 for class IV category. Thereafter, another option was provided to the mother on 09.03.2004 for payment of 2,50,000/- (Annexure R-5). Resultantly, an affidavit was given by the mother of the petitioner for giving the ex-gratia compassionate financial assistance of Rs.2,50,000/- as per Annexure R-6. The payment was eventually received by the mother on 23.05.2008 under the signatures of the petitioner. The matter though deserved quietus at that stage itself, but the petitioner, after a period of 6 months, chose to file representation dated 10.01.2009 (Annexure P-5) to represent again for employment which led to the order dated 08.06.2012 wherein, his request was rejected on the ground that the payment has already been made.

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 as it is not another source of recruitment. The said view has been further reiterated in ***Union of India vs. Sima Banerjee, 2017 (1) RSJ 351***.

In the present case, a period of more than 15 years has gone by and, therefore, at this stage, keeping in view the conduct of the petitioner and that his family has already received a sum of Rs.2,50,000/- after 6 years

of the death, this Court is of the opinion that there is no scope for interference in the impugned order whereby, the case was rejected on the ground, as mentioned above.

Accordingly, the present writ petition is dismissed.

21.11.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No