

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

CWP No. 18783 of 2013 (O&M)
Date of decision : May 16, 2017

Ruchhi and another,

..... Petitioners

v.

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Ms. Anita Balyan, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, AAG Haryana

Ajay Tewari, J (Oral)

The petitioners are claiming compassionate appointment on account of death of their mother in service in 1998. Thereafter, on 14.04.2007, father of the petitioners also expired.

At the very outset, I confronted counsel for the petitioners with the latest decision of the Supreme Court in Union of India and others v. Sima Banerjee (Civil Appeal No.251 of 2017, decided on 10.1.2017), in which the Supreme Court has barred the grant of compassionate appointment under any circumstances after a period of so many years has elapsed. Counsel for the petitioners is not in a position to cite any contrary judgment. In the circumstances, the claim for compassionate appointment has to be rejected.

Counsel for the petitioners has further argued that as per the

affidavit dated 19.7.2016 filed by Dr. Vandana Bhatia, Director Health Services (FW), Haryana, the respondents have themselves accepted that the petitioners would be entitled to get the benefit under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006. I find in para 5 of the aforesaid affidavit that respondents have stated that the petitioners are so entitled and rather stated that they were called time and again to opt for the same.

Resultantly, in view of the averments made in para 5 of the affidavit, I deem it appropriate to grant one opportunity to the petitioners to exercise their option in terms of 2006 Rules. Let the option be now exercised within one month from the receipt of a certified copy of this order, and in view of the categorical stand of the respondents, let necessary payment/s be released to the petitioners within a period of three months thereafter.

This writ petition stands disposed of.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 16, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No