

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20729 of 2013
Date of Decision:-10.03.2017.

Smt. Barhmo Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Sat Narain Yadav, Advocate for the petitioner.

Mr. Hitesh Pandit, Additional A.G. Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioner has sought for a direction to the respondents to consider her name for appointment under the ex-gratia scheme as per the Government instructions or in the alternative financial assistance.

2.) Petitioner's husband Suraj Bhan died on 22.9.1991. The petitioner submitted an application that her second son Sonu Kumar be considered for compassionate appointment instead of Om Parkash-first son. The respondents have considered the grievance of the petitioner and rejected her grievance on 4.8.2000 with reference to various policies governing the grant of ex-gratia employment and financial assistance. From 2002 to 2013, the petitioner did not agitate her grievance in challenging the rejection of her grievance under compassionate scheme on 4.8.2000. Thus,

there is a delay and laches on the part of the petitioner in not agitating the claim for compassionate appointment and financial assistance before this Court.

3.) Learned counsel for the petitioner submitted that petitioner's family is entitled for financial assistance. The same has not been considered. Only appointment has been rejected. Therefore, the petitioner's family is entitled for financial assistance. Learned counsel for the petitioner relied on decision passed by this Court in the case of **CWP No.678 of 2007 (Hemant Kumar Vs. State of Haryana and others)** on 15.4.2009 wherein this Court has directed the respondents to grant financial assistance.

4.) Per contra learned counsel for the respondents resisted the claim of the petitioner stating that petitioner's grievance cannot be redressed for the reasons that she has not approached this Court with clean hands. She has not disclosed earlier rejection of her grievance on 4.8.2000 and she has also not challenged the rejection of her claim. Therefore, she is not entitled for any relief under compassionate scheme. Insofar as financial assistance is concerned, it was submitted that under 1985 Instructions there is no provision for granting financial assistance. It was only in the year 2003. Before 2003 rules came into force, the petitioner's claim was rejected on 4.8.2000. Thus, the petitioner is not entitled for any financial assistance.

5.) Heard learned counsel for the parties.

6.) The petitioner had cause of action on 4.8.2000 as and when her claim relating to compassionate appointment was rejected. Insofar as financial assistance is concerned, the petitioner is not entitled under the 1985 Instructions. Moreover, nearly after 13 years, she has approached this

Court i.e. after rejection of her grievance relates to grant of compassionate

appointment and financial assistance. Therefore, she is not entitled for financial assistance. However, having regard to the conduct of the respondents as well as the petitioner in the matter that the petitioner submitted application way back in the year 1991 for compassionate appointment to her first son and, thereafter, for second son, the respondents have taken their own time to consider and reject on 4.8.2000. In other words, the respondents have taken nearly about 7 years' time to consider and reject the petitioner's claim. Unnecessarily, the petitioner was compelled to wait for the job since 1992 to 2000 i.e. for about 8 years. However, between 1997 to 2000, the respondents have taken 3 years for consideration of additional grievance of the petitioner. Just for consideration of petitioner's claim that member of deceased employee is entitled to compassionate appointment and financial assistance under 1985 instructions the respondents have taken overall time of 8 years. In view of these facts and circumstances, the respondents are directed to compensate the petitioner by paying a sum of ₹ 50,000/- in order to give quietus to the litigation. The same shall be paid within a period of 4 months from today.

7.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

March 10, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.