

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

CWP No. 4247 of 2011 (O&M)  
Date of decision : March 10, 2017

Rahul Jain,

..... Petitioner

v.

State of Haryana and others,

..... Respondents

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**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI**

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Present : Mr. R.S Malik, Advocate  
for the petitioner.

Mr. JS Bedi, Addl. AG Haryana

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**Ajay Tewari, J (Oral)**

**C.M No.3321 of 2017**

This application is allowed and the document, Annexure P-7, is  
taken on record.

**CWP No.4247 of 2011**

By this writ petition, the petitioner has raised two claims;  
firstly grant of compassionate appointment in view of the death of his father  
on 22.5.1990, and secondly release of GPF dues. As regards the issue of  
compassionate appointment, the petitioner has relied upon the letter,  
Annexure P-1, in which his grand father i.e the father of deceased was  
informed that the job would be given to the petitioner after he attained 17  
years of age and advised him to apply thereafter. The petitioner attained  
the age of 17 years in 2003 and applied for a job. However, then much

water had flown under the bridge and consequently, a letter dated 28.3.2004 (Annexure P-3) was issued informing the petitioner that he could not be granted a job since his case neither fell under the instructions dated 31.8.1995 nor under the extant rules, 2003.

Learned Addl. AG Haryana has fairly accepted that in fact on that date, the petitioner would have been entitled to compensation of ₹ 2.5 lacs but that offer was not made. Counsel for the petitioner has argued that in view of this mistake of the respondents, the petitioner would be entitled to ₹ 2.5 lacs along with interest. Learned Addl. AG Haryana points out that after the issue of the said letter, the petitioner gave two representations in 2005 and 2010 and in both of those representations, he claimed only the retiral dues of his father but did not make any grievance about non grant of job and then filed the present writ petition only in 2011 and consequently is not entitled to any interest.

As regards the issue of GPF dues, it has been accepted that the GPF amount, due to the father of the petitioner, has not been paid because no succession certificate has been submitted so far by the petitioner. It has been undertaken that as soon as the petitioner provides either succession certificate or no objection certificate from the other heirs of his father, GPF dues will be released to him with the applicable interest.

As regards the claim of compassionate appointment, the matter is now concluded against the petitioner by the 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), and consequently there can be no question of granting compassionate appointment. Further, as regards the compassionate assistance, on the one hand there is fault of the respondents

in not offering the petitioner this amount in the year 2004 and on the other hand, there is unconditional acceptance of the petitioner of that letter. In the circumstances, though there is no justification for granting interest from 2004 to 2017, yet the conduct of the respondents can also not be held to be blameless. In my considered opinion, the interest of justice would be met if the respondents are directed to pay a sum of ₹ 2.5 lacs to the petitioner along with interest @ 6% pa for a period of 38 months. Ordered accordingly. Let the necessary payment be made within three months from the receipt of a certified copy of this order failing which the petitioner would be entitled to further interest on the total amount @ 12% pa from today till the date of payment.

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

**March 10, 2017**  
**`kk'**

**( AJAY TEWARI )**  
**JUDGE**

**Whether speaking/reasoned:**  
**Whether Reportable:**

**Yes/No**  
**Yes/No**