

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

**Civil Writ Petition No.14365 of 2017
Decided on : 06.07.2017**

Maru Ram

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present : Mr. S.S. Sahu, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner challenges the communication dated 29.03.2012 (Annexure P-6), whereby he was informed that his representation for compassionate appointment as a Driver had been decided in the year 1997 and decision had been conveyed vide letter dated 03.01.1997 (Annexure P-1).

The petitioner had approached this Court in **CWP No.15857 of 1996** and directions were issued by this Court vide order dated 09.10.1996 (Annexure P-2) for decision making.

A perusal of the said decision would go on to show that the petitioner's father Mehar Chand who was working as a Assistant Lineman had expired in the year 1982 and the claim had accordingly been rejected way back 20 years earlier on the ground that the family had managed on its own for the last 15 years and there was no financial crisis and there is no question of providing ex-gratia employment on compassionate grounds.

The petitioner, thereafter, chose not to challenge the said

decision and thereafter took the plea that the communication was never delivered to him. It was, thereafter, alleged that a legal notice has been served in the month of January, 2011, which was received in the office of Chief Engineer, which was not responded to.

It is, thus, apparent that the respondent vide the impugned communication dated 29.03.2012 (Annexure P-6) conveyed the said decision again to the petitioner. Accordingly, it is apparent that the petition is barred by delay and laches and at this stage the question of granting compassionate appointment as such on account of the death, which has occurred in the year 1982 does not arise.

Even otherwise it is settled principle that in cases of abnormal delay the extra-ordinary writ jurisdiction is not to be exercised. In cases of compassionate appointment also the said principle has specifically laid down by the Apex Court in ***Umesh Kumar Nagpal Vs. State of Haryana & others (1994) 4 SCC 138*** followed by ***Haryana State Electricity Board v. Naresh Tanwar and Another (1996)8 Supreme Court Cases 23*** and ***Shreejith L. v. Deputy Director (Education) Kerala and Others (2012)7 Supreme Court Cases 248***.

In the said cases, it has been held that compassionate appointment is only to tide over the extreme exigencies which the family might face on account of the death of bread-winner.

In the present case it seems that there was never any such exigency. Therefore, this Court is not inclined to interfere at this belated stage and even the impugned communication has been challenged after a

period of 5 years. Accordingly, there is no merit in the present writ petition and same is hereby dismissed in limine.

JULY 06, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>