

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

108

**CM-15283-CWP-2017 in/and
CWP No.15381 of 2017
Date of decision: 02.11.2017**

Padma Devi

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Mr.Sudesh Sahi, Advocate, for
Mr.Arvind Kashyap, Advocate, for the applicant/petitioner.

G.S. SANDHAWALIA, J. (Oral)

CM-15283-CWP-2017

Application for placing on record the notification dated 01.08.2006 as Annexure P-12 and exemption from filing certified/true typed copy of the same, is allowed, in view of the averments made in the application, duly supported by an affidavit. Same is taken on record, subject to just exceptions. Office to append the same at appropriate place.

CM stands disposed of.

CWP-15381-2017

Petitioner seeks quashing of the order dated 13.08.2014 (Annexure P-10) whereby the request of the petitioner for appointment as Peon on regular basis/DC rate, was declined, on the ground that compensation benefits had already been paid to the legal heirs of the deceased-employee, by the Executive Engineer, Horticulture Department, HUDA, Faridabad. It is further mentioned that service to the legal heirs was not allowed, as per the Government policy, on account of the payments having already made and thus, the appointment on regular basis/DC rates/outsourcing, could not be done.

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It is not disputed that as per the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (Annexure P-12), provision has been made to pay financial assistance of a sum equal to the pay and other allowances last drawn, to the family of the deceased employee, under Rule 5, for various periods notified. The same is dependent on the age of the deceased-employee and after the said period, the family is liable to receive family pension as per the normal rates. Therefore, it is clear that only financial assistance is to be given only to that extent and there is no legal right for appointment as being claimed now.

In view of the order dated 18.07.2017, affidavit of the petitioner was also placed on record, from which, it would be apparent that she is now receiving the family pension @ Rs.10,000/- per month apart from having received the retiral benefits on various accounts including salary of 11 months as the service of the deceased-employee was only left for 11 months. In such circumstances, it is clear that whatever amount was permissible, as per the 2006 Rules, have already been paid to the petitioner and therefore, in the absence of any legal right to seek compassionate appointment, no such prayer can be entertained.

Resultantly, finding no merit in the present writ petition, the same is, hereby, dismissed in limine.

02.11.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No