

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

**Civil Writ Petition No.8113 of 2011
Decided on : 01.08.2017**

Ratni Devi and another

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Ms. Bhagyashri, Advocate for
Ms. Ritam Aggarwal, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

G.S. Sandhawal, J. (Oral)

Challenge in the present writ petition is to the order dated 20.08.2004 (Annexure P-4), whereby the claim of the petitioners for grant of appointment on compassionate grounds on account of death of husband of petitioner No.1 was declined on the ground that within a period of 3 years the application had to be filed and 12 years elapsed and, therefore, the dependents could not be provided any type of compensation.

Challenge has also been raised to the order dated 27.08.2009 (Annexure P-7), whereby the application dated 15.06.2009 was rejected on the ground that the State was not providing jobs to the dependents, in view of notification dated 03.08.2006 and 01.01.2009. Resultantly, the present writ petition has been filed.

A perusal of the pleadings would go on to show that the husband of petitioner No.1 was working as a Inspector in the Transport Department-respondent No.3 and had expired on 12.09.1992 leaving behind

the legal heirs mentioned in paragraph No.3 and the petitioners are two of those five legal heirs. It is the case of the petitioners that petitioner No.1 had given a statement that her son be given appointment on compassionate ground as soon as he attains the age of 18 years, since his date of birth is 20.07.1986 and assurance was held out accordingly. The said son attained the age of 18 years on 20.07.2004 and, therefore, the application was submitted, which has been rejected as noticed. A legal notice was served on 10.12.2007 (Annexure P-5) for release of GPF and to give the appointment to the son, but neither the appointment was given nor the payment was made. Resultantly, it has been pleaded that interest is also payable on the GPF of ₹60,254/-.

The State in its reply has relied upon the Full Bench judgment passed in **Krishna Kumari Vs. State of Haryana and others 2012 (3) PLR 383** to submit that the date of death is the relevant date and the secondly the application was filed belatedly and, therefore, the ground of financial exigency is not applicable in the present case, as the writ petition was filed after 19 years of the death of the employee. The appointment was never sought at that point of time by the widow, who had herself given application that one of her children may be given the job in the place of deceased in the year 1992 and admittedly at that time her son was in Class-I. The application was revived only on 24.06.2004 and vide order dated 20.08.2004 (Annexure P-4) was declined.

It is, thus, apparent that at the time of the death of the employee, the petitioner never asked for compassionate appointment

either for her own self or for other family member as there were two daughters also. No details have also been given about the age of the daughters or as to why she did not herself join, in case there was any financial exigency. The Apex Court time and again has held that the compassionate appointments are not a source of recruitment and in only exceptional circumstances the benefit can be given. Reference can be made to the judgment passed 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 SCC 23 and Shreejith L. v. Deputy Director (Education) Kerala and Others (2012)7 SCC 248.**

At that time the policy which was prevalent, there was no provision made for any financial benefits and in view of the said policy lapsing and the fact that the claim was declined in the year 2004, therefore, no fresh cause of action as such would arise. The writ petition challenging the subsequent order dated 27.08.2009 (Annexure P-7) and filed in the year 2011 would not revive the said cause of action. It is settled principle that writ jurisdiction is not to be exercised where there is inordinate delay and the petitioner slumber over his rights.

The only benefit that the petitioner would be entitled would be for the interest benefit on account of the delay in releasing of GPF of Rs.60,254 which was apparently released in the year 1993 to the extent of Rs.42,988/- and remaining Rs.8,289/- in the year 2008, whereas her husband had died on 12.09.1992. Resultantly, the petitioner would be

entitled for the interest @ 10% on account of the delay in release of the GPF after 3 months of the date of death of her husband i.e. 01.01.1993. The said amount of interest on the above amounts be paid to the petitioner expeditiously within a period of 2 months from the receipt of the certified copy of this order.

With the abovesaid observations, the present writ petition is disposed of.

AUGUST 01, 2017
Naveen/sailesh

(G.S. SANDHAWALIA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>