

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

202-A

**CWP No.4962 of 2012 (O&M)
Date of Decision : 15.05.2017**

Maya Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Ram Niwas Sharma, Advocate
for the petitioner.

Mr. J.S.Bedi, Addl. A.G., Haryana.

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing the orders dated 11.10.2011 (P-6) by which respondents have rejected the claim of the petitioner for appointment of her son under ex-gratia Scheme on the ground that she did not fulfill the conditions issued by the State Govt. whereas the respondents vide letter dated 05.03.1993 (P-4) had registered the name of her son at registration No.76 with assurance that proposal for appointment would be sent for service in Haryana Police on being eligible physically and academically.

Brief facts of the case are that husband of the petitioner died on 16.12.1989 during service. In the first instance she applied for a job for her brother-in-law i.e. her husband's younger brother. She was informed that

the job could not be given to her husband's younger brother. She then requested the respondents that she was not capable of doing a job in view of her own background and a job should be kept for her minor son. As per practice prevalent at that time the name of her minor son was registered in the register at S.No.76. In the year 2007 when her minor son became major she approached the respondents who rejected her claim and that is how she is before this Court.

Learned counsel for the petitioner has fairly accepted that the petitioner now can not claim compassionate appointment in view of the decision of the Supreme Court in the matter of *Union of India and others vs. Sima Banerjee, passed in Civil Appeal No.251 of 2017, decided on 10.01.2017*. It is not possible for her to press for a job for the minor son but in any case the petitioner would be entitled to the benefit of the 2006 policy since her case was pending when the 2006 Rules came into existence.

Learned Additional Advocate General is not in a position to deny the prayer made by the learned counsel for the petitioner.

In the circumstances, though the claim for compassionate appointment for the son of the petitioner has to be rejected yet she has to be held entitled to the benefit of ex-gratia assistance as per the 2006 Rules. The petitioner would have to exercise her option of getting either a lump sum amount or monthly assistance. Let the needful be done and the ex-gratia compensation be paid to the petitioner and her son in equal share within a period of four months from the date of receipt of option, failing which, the petitioner and her son would be entitled to claim the same with interest @ 8% per annum from today.

Petition stands disposed of.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 15, 2017
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No