

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

244

**CWP-7798-2016 (O&M)
Date of decision:17.05.2017**

Krishna Devi and another

....Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Aftab Singh Khara, Advocate for the petitioners.

Mr. R.K.Doon, AAG, Haryana.

Mr. Piyush Khanna, Advocate for respondents No.2 to 5.

P.B. Bajanthri, J. (Oral)

Petitioner No.1 is wife and petitioner No.2 is son of Late Sh. Mahi Pal Singh. In the present petition, petitioner No.2 is seeking for compassionate appointment pursuant to the ex-gratia Scheme/Rules, 2003, 2005 read with 2006.

Late Sh. Mahi Pal Singh died on 06.07.2002 while working as LDC in the respondent-Nigam. Claim of petitioner No.2 for compassionate appointment was pending consideration before the respondent-Nigam since

20.04.2006. Though name of petitioner No.2 was listed in the seniority list for the purpose of appointing him on compassionate ground against 5% quota as on 20.04.2006. Name of petitioner No.2 could not come within the zone of consideration of his name under 5% quota. Consequently, respondent-Nigam has taken a decision not to consider name of petitioner No.2 for compassionate appointment. At the same time they have decided to consider for extending benefit of financial assistance. To that extent a communication has been made on 20.04.2006 and further on 15.03.2007. Despite that petitioner No.1 has not made any effort to approach the Nigam to accept financial assistance as offered by them. On the other hand writ petition was filed on 11.04.2016. Thus, there is delay in seeking appointment on compassionate ground since cause of action accrues to petitioner No.2 on 20.04.2006. Moreover, both petitioners survived with living standard during the period from 2002 to 2006 and even from 2006 to 2016. Therefore, petitioner No.2 is not entitled for compassionate appointment. Compassionate appointment is not a fundamental right as held by the Supreme Court. Therefore, claim of petitioner No.2 for compassionate appointment is hereby rejected. Insofar as financial assistance is concerned as per the offer made by the respondent-Nigam dated 20.04.2006 read with communication dated 15.03.2007 the concerned respondent-Nigam is hereby directed to pay the financial assistance to the extent of Rs.5 Lacs in view of the notification dated 18.11.2005 and as on that date 2nd petitioner's claim for compassionate appointment was pending consideration which was rejected only on 20.04.2006. Petitioners are entitled for interest on financial assistance of Rs. 5 Lacs @ 8% per annum. Interest shall be paid w.e.f. 18.11.2005 the date on which compassionate rules were notified till payment is made.

Above exercise shall be completed within a period of 3 months from today. If the order is not complied the petitioners are also entitled for cost of the petition a sum of Rs.10,000/-.

17.05.2017
pooja saini

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No