

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8079 of 2016

Date of Decision:-22.02.2017.

Maya Devi and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. S.S. Hira, Advocate for the petitioners.

Mr. Apoorv Garg, DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, petitioners have sought for quashing the order dated 10.3.2016 (Annexure P-9) passed by the second respondent rejecting the claim of first petitioner for appointment on compassionate ground and further they have sought for direction to the second respondent to appoint second petitioner on compassionate ground as per ex gratia claim of 1995 of the State of Haryana.

2.) The first petitioner's husband Late Rajender Singh Single, Junior Engineer died while he was in service on 6.2.2002. The first petitioner approached the respondents seeking for employment. Pursuant to the claim of the first petitioner, there was a correspondence between 2002 to 2005. Ultimately on 7.3.2005 vide Annexure P-4, the first petitioner has been informed that she is not entitled for compassionate appointment and she is entitled only for financial benefits to the extent of ₹ 2,50,000/- which

reads as under:-

“Ex-gratia compassionate Financial Assistance to the Family of the Deceased Govt. employee-Rule-2003.

The Haryana Govt. has notified that Haryana compassionate Assistance to the dependent of deceased Govt. employee Rule 2003. Under these rules appointment under ex-gratia scheme is required to be given within a period of three years. The dependent of the deceased Govt. employee can exercise his option under rule 6(i) (c) within a period of one month after the expiry of the validity of the list prepared by the department, as no post exist in the department for ex-gratia appointment.

In view to the above facts you cannot be appointed as Peon under the above stated rules. Now your case can be considered for financial assistance in the tune of Rs.2,50,000/- (Rs. Two lacs fifty thousand only). Therefore, you are advised to supply necessary information in the enclosed prescribed form-B (Application form for ex-gratia compassionate financial assistance) to this office duly countersigned by the concerned Executive Engineer/Superintending Engineer within 10 days so that your case can be examined and considered for financial Assistance.”

3.) Thereafter, the first petitioner instead of questioning the validity of the communication dated 7.3.2005 (Annexure P-4) go on making representation to the respondents. Thereafter, in the year 2008 it seems one more rejection of the first petitioner's claim was ordered by the respondents which was subject matter before the Civil Court. Civil Court directed the respondents to re-consider the claim of first petitioner for compassionate appointment. Thus, the impugned order dated 10.3.2016 Annexure P-9 has been ordered stating that the first petitioner is not entitled for compassionate

appointment.

4.) Learned counsel for the petitioners submitted that the respondents have not taken timely action to consider first petitioner's name for employment on compassionate ground. Thus, there is a delay on the part of the respondents and not on the part of the petitioner.

5.) The first petitioner was well informed by the Engineer-in-Chief Irrigation Department Haryana on 7.3.2005 that she is entitled for ex gratia financial assistance and not ex gratia appointment. The same was not questioned by her even to this day. Therefore, in view of the object of appointing a person on ex gratia scheme that is to meet immediate harness in the family. Since the first petitioner's husband died while he was in service on 6.2.2002 and family is surviving from 2002 to this day, therefore, question of extending the benefit of compassionate appointment at this distance of time do not arise. Accordingly, it is rejected.

6.) Insofar as grant of ex gratia financial benefit is concerned, the respondents were ready to pay on 7.3.2005 itself and the same was not disbursed due to pendency of civil suit, and the present case and various correspondence between petitioners and respondents. Therefore, petitioner is entitled to interest on ex gratia financial assistance. The respondents are directed to pay as per the policy within a period of 3 months from today along with interest @ 6% per annum from 7.3.2005 till payment is made.

7.) Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

February 22, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.