

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

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**CWP-713-2017 (O&M)
Date of decision: 18.01.2017**

Shalender Kumar

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

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

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has sought for writ of mandamus seeking direction to the respondents to regularize the petitioner's father's services w.e.f. 01.02.1999 on par with other colleagues whose services have been regularized pursuant to the decision passed by this court on 11.03.2011. Petitioner's father's colleagues services have been regularized with retrospective effect from various dates in the year 1999. Further he has sought for regularization of his services. He was also appointed on part time basis on 14.11.2005 after the death of his father on 16.07.2004.

2. Issue is relating to extending the benefit of appointment and ex-gratia payment insofar as an employee who died in service was the subject matter before this court. Full Bench of this court has held that policy relating to appointment on compassionate ground as well as ex-gratia payment would be applicable with reference to the date of death of a deceased employee read with the relevant policy existing as on the date of death of deceased employee. The subject matter was taken before the

Supreme Court and the Supreme Court affirmed the full Bench decision. Thus, petitioner sent a legal notice to the respondents for consideration of the petitioner's father's regularization as well as petitioner's regularization. The respondents have not considered the legal notice dated 01.06.2016 (Annexure P10) till date. Hence the present petition has been filed.

3. Having regard to Annexure P9 read with earlier decision passed by this court in CWP No. 4700 of 2000 as well as full court decision in respect of extending benefits of ex-gratia payment or compassionate appointment with reference to the policy existing as on the date of death of deceased employee, the concerned respondents is directed to consider the grievance of the petitioner stated in the legal notice dated 01.06.2016 (Annexure P10) within a period of 2 months from today. Further the respondents are directed to communicate the decision to the petitioner.

4. Accordingly, petition stands disposed of.

(P.B.BAJANTHRI)
JUDGE

18.01.2017

pooja saini

Whether speaking/reasons Yes/No

Whether Reportable: Yes/No