

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

LPA No.498 of 2017 (O&M)

Date of Decision :05.07.2017

Vikas Saini

....Appellant

Versus

State of Haryana and others

....Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

....

Present: Mr.Gurmandeep Singh Sullar, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

The appellant impugns the judgment of the learned Single Judge declining interference in his claim for compassionate appointment under the ex-gratia scheme on the ground of delay and laches.

The father of the appellant while in service opted for voluntary retirement on medical ground and prayed that his son be given compassionate appointment. His prayer of retirement was accepted but the compassionate appointment was not offered to the appellant. This led to the filing of a writ petition by the father of the appellant during his life time seeking quashing of the order by which compassionate appointment was denied to his son i.e. the appellant herein. This writ petition was withdrawn in the year 2004 with liberty to file a fresh one in the name of the present appellant since the earlier

writ petition was filed by the father of the appellant himself which would have obviously disentitled him to any benefit of the ex-gratia scheme considering that the employee was still alive. Thereafter civil writ petition No.728 of 2011 was preferred by the appellant which was declined, as noticed above.

Learned counsel for the appellant would plead fault of the counsel and distressing economic circumstances for the delay.

After hearing the learned counsel for the appellant, we are of the view that no interference is warranted with the impugned judgment on account of inordinate delay caused in approaching this Court. Even if it is assumed that the father of the appellant had filed the writ petition erroneously, the same was withdrawn in the year 2004 and the present writ petition has been filed after 7 years, which, in our opinion, is sufficiently long period that cannot be condoned.

However, the delay of 38 days in filing the appeal is condoned considering the explanation furnished in the application.

Appeal dismissed.

(MAHESH GROVER)

JUDGE

05.07.2017

dss

(RAJ SHEKHAR ATTRI)

JUDGE

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