

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.940 of 2017 (O&M)

Date of Decision: 31.05.2017

Krishna Devi & Anr.

... Appellants

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE HARI PAL VERMA

Present: Mr. Keshav Pratap Singh, Advocate for the appellants

SURYA KANT, J. (Oral)

(1) The appellants are wife and son of late Subhash Chand Patwari who unfortunately died while on duty on 10.08.2005. Appellant No.1 sought *ex gratia* appointment of her son on compassionate grounds vide application dated 17.08.2005. She received a communication dated 13.07.2010 from the Director, Consolidation, Haryana wherein it was stated that though no *ex gratia* appointment can be given to her son but she could submit her option for financial assistance. As the said offer was not acceptable to appellants, they approached this Court by way of filing the writ petition in the year 2010.

(2) In view of the fact that the counsel representing the appellant before learned Single Judge agreed to accept the financial assistance as an alternative relief in lieu of the claim of the appellants for appointment on compassionate grounds, we are of the considered view that the instant appeal is not maintainable against a consent order. Otherwise also, the appellant lost their bread-earner on 10.08.2005. Even prior thereto, State of Haryana had notified 2003 Rules, now repealed by way of 2006 Rules, whereunder appointment on compassionate grounds was banned and only financial assistance is provided to the family. The appellants are entitled to such financial assistance in accordance with 2006 Rules for which the authorities have already agreed

(3) In this view of the matter, no case to interfere with the order passed by learned Single Judge is made out.

(4) Dismissed.

(Surya Kant)
Judge

31.05.2017
vishal shonkar

(Hari Pal Verma)
Judge

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| 1. Whether speaking/reasoned? | Yes |
| 2. Whether reportable? | No |