

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.9789 of 2006

Date of Decision: 22.02.2018

Sandeep

...Petitioner

Vs.

The State of Haryana and others

...Respondents

2. CWP No.16270 of 2006

Smt. Giano Devi

...Petitioner

Vs.

The State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Jagbir Malik, Advocate &
Mr. Vikas Chaudhary, Advocate
for the petitioners.

Mr. Harish Rathee, Senior DAG, Haryana.

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of both the petitions as the issue raised is common.

The rejection of the case of the petitioner(s) for compassionate appointment was based on proper consideration of the matter and no interference is called for in the action of the respondents denying job in the place of the father, who died in harness. Notably, the Deputy Excise and Taxation Commissioner (ST) Panipat vide his letter dated 08.07.2004 began processing the case of the mother of Sandeep for grant of financial assistance of ₹2.5 lacs under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003.

The process has not been concluded so far, perhaps because of the pendency of the present writ petition since the year 2006 waiting in the hope of securing employment. With the dismissal of the writ petition qua ex gratia appointment, the case pending for financial assistance deserves to be processed favourably and finalized.

Accordingly, the respondent Department will call for option of the mother-Krishna Devi, widow of late Ramdia, Peon and process the case for release of Rs. 2.5 lacs financial assistance without delay.

The stand taken in the written statement is that option was called from Krishna Devi but she never come forward to exercise the option. The reason for this must have been the fond hope of compassionate appointment for the son, which has not materialized with the declining grant of relief today. The stand has not been controverted by filing a replication. Hence, payment of interest on the principal amount may not be justified due to no-fault theory. However, in case the financial assistance of ₹ 2.5 lacs is not released within two months, then the amount will earn interest @ 9% till payment.

The above order will apply to the other case *mutatis mutandis* with the same directions.

(RAJIV NARAIN RAINA)
JUDGE

22.02.2018

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Whether speaking/reasoned : *Yes*

Whether reportable : *No*