

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 04.04.2018****CWP No.507 of 2010 (O&M)**

Sunil Kumar

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjiv Gupta, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner's father, a government servant, died in harness in the year 1999 from whom claim for compassionate appointment is made. Instead of a job, the State offered financial assistance to the family of the deceased government servant by writing letters dated 17.09.2003, 02.08.2004 & 20.06.2005 to them, but the offer was not picked up. There is no dispute that these letters were sent to and were received by the members of the family of the deceased. This petition has been brought in the year 2010 after a lapse of about 11 years from the date of death. Considering the similar time frame in a case for ex gratia appointment, this Court has declined interference in CWP No.17901 of 2017 titled 'Kuldeep Kumar Verma Vs. Union Territory, Chandigarh & others' decided on 11.08.2017 after noticing several judgments of the Supreme Court including in Umesh

Kumar Nagpal Vs. State of Haryana & others, (1994) 4 SCC 138; Haryana State Electricity Board Vs. Naresh Tanwar & another, (1996) 8 SCC 23; Shreejith L. Vs. Deputy Director (Education) Kerala & others, (2012) 7 SCC 248 and Union of India & others Vs. Sima Banerjee, 2017 (1) RSJ 351, settling the view that compassionate appointment is only to tide over the extreme exigencies or acute hardship which the family might face on account of the death of the bread-winner. There appears to be no such exigency existing till this day and, therefore, I am not inclined to interfere with the stand of the State in the papers.

The Coordinate Bench has extracted paragraph from the judgment of Supreme Court in Pundik Jalam Patil (D) by LRs Vs. Executive Engineer Jalgaon Medium Project & another, 2009 (1) PLR 128 to reiterate that Court cannot enquire into belated and stale claims on the ground of equity. Delay defeats equity. The Court helps those who are vigilant and do not slumber over their rights. Request for compassionate appointment is, thus, refused, when the Court would not issue any direction to the respondents of the kind prayed as far as ex-gratia job is concerned.

However, as far as financial assistance is concerned, the family may yet approach the Department for the monetary relief and in case such an application is filed, the respondents are directed to process the claim and pay a sum of Rs.2.5 lakhs as financial assistance as per the Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rules, 2003. However, no interest will be payable on this amount since the offer of financial assistance was not accepted, perhaps in the hope of securing compassionate appointment for a family member.

For the above reasons, no ground for interference is made out in the present writ petition. The same is accordingly dismissed.

04.04.2018

Vimal

**[RAJIV NARAIN RAINA]
JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>