

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.2653 of 2016
Date of decision: 13.08.2018

BALKAR SINGH

...PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MS. JUSTIC RITU BAHRI

Present: Mr. J.S. Cooner, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Punjab.

RITU BAHRI, J.(ORAL)

The petitioner is seeking appointment on compassionate grounds in place of Kela Devi in compliance of order dated 24.11.1994 (Annexure P-1). As there was a condition in the appointment letter of Kela Devi widow of Shri Jagdish when her son attains the age of 18 years, he will be given appointment and she will be relieved. As Balkar Singh, S/o Kela Devi petitioner achieved majority, she gave an application (Annexure P-2) that he be taken in service. In this regard, another application (Annexure P-3) was sent by her. Moreover, a legal notice (Annexure P-4) was also sent in this regard by Kela Devi. Reply to legal notice (Annexure P-5) given by respondent No. 1, whereby it was informed that the applications dated 08.12.2005 and 09.03.2006 of Kela Devi were considered as per ex gratia rules of the Co-operative Sugar Mills Employees Rules, 2003 and the applicant was informed accordingly vide letter dated 24.03.2006. It was stated in the reply that the rules do not permit the transfer of rules given to one dependent of deceased employee to other dependent/son after attaining the majority. Reference has been made to the Haryana Compassionate Assistance to the dependents of deceased Co-operative Sugar Mills Employees Rules, 2003. The relevant rule 13 (ii) is reproduced as under:-

"13(ii) Any employment made under these rules shall not be

transferred to any other person and any request for the same on considerations of compassion shall invariably be rejected".

Further rules 18 of the same provides that Rule 10 of the service rule for the employees of the Co-operative Sugar Mills in the State of Haryana regarding 'job inheritance' is hereby repealed.

The respondents in the written statement have further stated that the Haryana State Federation of Co-operative Sugar Mills Ltd. passed a resolution on 31.01.2006 namely "The Haryana Compassionate Assistance and Employment to the dependent of deceased Co-operative Sugar Mills Employees Rules, 2005", (hereinafter to be referred as 'Rules 2005') repealing the old resolution passed in the year 2003 and even in the new Rule 2005 there is no provision for job inheritance.

In the letter of appointment of Kela Devi P/1, widow of Sh. Jagdish and the mother of the petitioner there was a condition that in the matter of all service conditions the service of widow will be governed under the rules and regulations of Panipat Cooperative Sugar Mills Limited, Panipat from time to time. Hence keeping in view the service condition of the appointment and the Rules 2005 there is no provision for job inheritance, once job has been given to one legal heir of the employee who died during service. Since Rules do not provide for transfer of service the petitioner has no right to be appointed compassionate grounds in place of Kela Devi.

In view of all that has been discussed above, the present petition is dismissed.

The writ petition is dismissed.

August 13, 2018

Poonam (II)

(RITU BAHRI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No