

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2105 of 2017 (O&M)
in CWP No.8113 of 2011
Date of decision: 16.01.2018

Sonu

.... Appellant

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Ms. Ritam Aggarwal, Advocate for the appellant.

Rajesh Bindal, J.

The prayer of appellant/writ petitioner No.2 seeking his compassionate appointment on account of death of his father on 12.09.1992 having been rejected by the learned Single Judge, the order has been impugned in the present intra-court appeal.

Fact of the case is that the father of the appellant was working as Inspector in the Transport Department. He expired on 12.09.1992. At that time it is claimed that he was survived by his widow, one son and two daughters. None of the legal heirs except widow was major to claim compassionate appointment, as per the policy of the Government applicable at that time. The son became major in July 20, 2004. A request for compassionate appointment was made which was declined vide order dated August 20, 2004.

The appellant, son of the deceased employee, being satisfied never challenged that order. However, again request was made which was declined on 27.08.2009. Thereafter, the writ petition was filed. During interregnum even the widow had also expired.

Learned Single Judge has considered the issue regarding delay and laches in filing the petition as the first request made by the son of the deceased employee was rejected wayback on 20.08.2004 and that he being satisfied did not challenge that order. It was five years thereafter that a fresh representation was filed. As appointment on compassionate basis is not an additional source of recruitment rather is meant to give immediate relief to the family who lost the bread earner, delay in seeking relief is always fatal.

In the case in hand, the employee having expired more than twenty-five years back, we do not find that there is any error in the order passed by the learned Single Judge in declining relief to the appellant.

The present appeal is, accordingly, dismissed. Consequently, application seeking condonation of 42 days' delay in filing the appeal is also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

16.01.2018
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1. Whether speaking/reasoned: Yes/No.
2. Whether reportable : Yes/No.