

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.18109 of 2019

Date of Decision: July 08, 2019

Hemant

...Petitioner

Versus

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Kshitij Sharma, Advocate,
for the petitioner.

AMIT RAWAL, J. (Oral)

Notice of motion.

Ms. Shruti Jain Goyal, learned Deputy Advocate General,
Haryana accepts notice.

The challenge in the present writ petition is to the order dated
15.11.2018 (Annexure P-13), whereby the case of the petitioner for grant of
ex-gratia/alternative job has been rejected summarily.

Mr. Kshitij Sharma, learned counsel representing the petitioner
submitted that the petitioner is 21 years old graduate and unemployed.
Father of the petitioner, while working as Sub Inspector, while in harness,
unfortunately expired on 23.11.1999. Accordingly, the grand-father of the
minor submitted two representations dated 02.08.2001 and 19.11.2001
(Annexures P-3 and P-4) and at that time the policy in vogue, was dated
23.11.1996. However, in the meantime, the Government came out with The
Haryana Compassionate Assistance to the Dependents of Deceased
Government Employees Rules, 2003 (for short, 2003 Rules) for grant of
certain benefits including ex-gratia on compassionate ground to a member
of the family who was completely dependent upon the deceased employee.

In the instant case, mother of the petitioner has abandoned him on 13.08.2001. The information with regard to submission of the representation by the grand-father was sought by the Deputy Director (Administration) vide letter dated 22.02.2017 (Annexure P-8), which was acknowledged by the District Food & Supplies Controller, Hisar vide letter dated 28.02.2017 (Annexure P-9). The rules, *ibid*, were made applicable to those dependents of the deceased Government employee whose cases were pending on the date of coming into force of these rules. Though, as per the guidelines dated 16.03.2011 (Annexure P-14), one time relaxation for applying ex-gratia compensation was given to the people to apply afresh, but since the case of the petitioner was already pending, therefore, there was no occasion for applying afresh. However, impugned order does not reflect any application of mind, therefore, is bereft of the reasoning and liable to be set-aside.

Ms. Shruti Jain Goyal, learned Deputy Advocate General, Haryana, representing the State submits that the aforementioned rules do not indicate grant of ex-gratia appointment except for ex-gratia compensation. The application was not submitted by the petitioner immediately on acquiring age at 18 years and, therefore, was time barred and should not have been entertained.

I have heard the learned counsel for the parties and appraised the paper book.

The impugned order reads as under:-

*“DIRECTORATE OF FOOD, CIVIL SUPPLIES AND
CONSUMER AFFAIRS*

To

Shri Hemant Kumar

S/o Late Suresh Kumar

Ward No.1, Daulatpur Road, Barwala.

District Hisar.

Memo No.4E(1)-2018/

Dated, Chandigarh.

*Subject: Application regarding providing job to Hemant
Kumar s/o Late Suresh Kumar under Ex-gratia.*

In reference of subject captioned above.

*In this regard it is informed to you that this matter
being not covered under government instructions
No.16/22/2010-5G.S.-II dated 16.03.2011, after consideration
the matter was filed for office record purpose.*

Additional Director (Administration)

For Director, Food Civil Supplies

and Consumer Affairs, Haryana.

Endst.No.4E(1)-2018/24852

Date, Chandigarh 15.11.2018

*A copy is forwarded to District Food & Supplies
Controller, Hisar for information and necessary action:-*

Additional Director (Administration)

For Director, Food Civil Supplies

and Consumer Affairs, Haryana.”

It is strange that the officers at the helm of affairs do not know how to give reasons while entertaining the request. Impugned order is wholly bereft of any reasons, much less evidence. The petitioner had been knocking the door of the department since 2001 on account of death of his father. Though his grievance has been redressed, but not in a pragmatic and reasonable manner.

Without commenting on the merits and de-merits of the case, I set-aside the impugned order Annexure P-13 and impose costs of ₹ 10,000/- to be paid to the petitioner by the Additional Director (Administration), who could not even comprehend reasoning. In other words, whether the case of

the petitioner was covered under the guidelines. Even no regard to the letter Annexure P-9 received in support of the information sought by the office vide Annexure P-8 has been given. Respondent No.3 is directed to decide the case of the petitioner within a period of three months from the date of receipt of certified copy of this order.

It is made clear that in case the claim of the petitioner is not decided within the time frame, there shall be costs of ₹ ₹ 50,000/- to be paid to the petitioner.

Writ petition stands disposed of.

July 08, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No