

CWP-26050-2017 (O&M)

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

**CWP-26050-2017 (O&M)
Date of decision : 10.07.2019**

Sadhna Rani

... Petitioner(s)

Versus

District Red Cross Society, Kurukshetra and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vikas Cuccria, Advocate for the petitioner.

Ms. Nupur Choudhary, Advocate for the respondents.

AMIT RAWAL, J. (ORAL)

Learned counsel for the respondents submitted that the District Red Cross Society, Kurukshetra had never framed the Rules with regard to grant of *ex gratia* or compassionate employment, on account of death of the employee in harness. In fact, it had been following the Rules framed by the State Red Cross Society, where there was no such provision. However, in 2017, the Rules have been incorporated envisaging the *ex gratia* scheme. In such circumstances, the case of the petitioner would not be covered as the husband of the petitioner died in 2014.

Learned counsel appearing on behalf of the petitioner has drawn the attention of this Court to the copy of appointment letter dated 26.07.2001 (Annexure P-6), whereby one Rajesh Kumar son of Late Shri Ranbir Singh was also given compassionate employment in 2001, in response to his request submitted on 10.05.2001.

Learned counsel for the respondents refuted the Annexure P-6 on the premise that the Authority has given the aforesaid employment on the recommendations of the Governor, being President of the District Red Cross

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Society.

I am afraid the argument of learned counsel for the respondents would not be sustainable as they cannot be permitted to follow pick and choose policy. Since they have already incorporated the Rules in 2017, envisaging the grant of *ex gratia* scheme, ought to have taken into consideration the cases of the similar situated persons, had there not been any recommendations like the one appointed. The appointment issued to Rajesh Kumar is an act of discrimination, which cannot escape the judicial scrutiny of this Court. The objection with regard to non-assailing of the order (Annexure P-4), whereby case of compassionate employment was declined, cannot be a hindrance/impediment, even if, the prayer is for compassionate employment, second relief of *ex gratia*, cannot be rejected.

Keeping in view the aforementioned facts, I deem it appropriate to dispose of the present writ petition with direction to the respondents to take into consideration the case of the petitioner for grant of *ex gratia* or compassionate employment, sympathetically, within a period of three months from the date of receipt of certified copy of this order, failing which, there shall be costs of ₹50,000/- to be recovered from the salary of the concerned Officer and paid to the petitioner towards litigation expenses. In case the claim of the petitioner is accepted, the consequential benefits, if any, be released to him, in accordance with law.

10.07.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned	Yes/ No
Whether Reportable	Yes/ No