

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

LPA No.1355 of 2017 (O&M)
DATE OF DECISION:16.01.2019

State of Haryana & others

...Petitioners

Vs.

Deepak Kumar

...Respondent

**CORAM:- HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA**

Present: Ms. Kirti Singh, DAG, Haryana.

Mr. Anand Bhardwaj, Advocate
for the respondent.

MAHESH GROVER, J. (Oral)

The respondent was rendered an orphan when his father died in harness on 24.03.2006. He was a minor at that time and made an application through his grandmother in the year 2006 itself. He attained majority in the year 2007 but his claim was rejected as it was stated by the appellants that 2006 rules would apply to the claim of the respondent which envisages only financial assistance. The learned Single Judge disagreeing with the stand of the appellants held the present respondent to be entitled to compassionate appointment particularly in view of Rule 18(2) which gave ample power to the State to relax the age while considering the claim of an orphan. Rule 18 is extracted below:-

18(2) *“As a special case, rules shall be relaxed in the case of the children who have become orphan upon the demise of*

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*the Government employee in regard to minimum age only.
The claim of appointment of such orphans shall remain alive
till one child has attained majority/minimum eligible age for
entry into Government service.”*

We see nothing on record that would reflect that the claim of the respondent was ever considered in terms of Rule 18 to grant him relaxation while keeping his claim alive. We therefore do not find any fault with the reasoning of the learned Single Judge holding the respondent entitled to compassionate appointment considering that he is an orphan. Otherwise also the appeal is barred by delay of 158 days which has not been explained satisfactory hence dismissed. The amount of Rs.5 lacs deposited by the appellants pursuant to order dated 02.11.2018 be refunded to them along with interest, if any.

(MAHESH GROVER)
JUDGE

(LALIT BATRA)
JUDGE

16.01.2019

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No