

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

**LPA No. 1667 of 2017(O&M)  
Date of decision : 14.01.2019**

**State of Haryana and others**

**..... Appellants**

**versus**

**Nirmal Singh**

**..... Respondent**

**CORAM : HON'BLE MR. JUSTICE MAHESH GROVER  
HON'BLE MR. JUSTICE B.S.WALIA**

**\*\*\***

Present: Mr. Ankur Mittal, Addl.AG., Haryana  
for the appellants.

**\*\*\***

**MAHESH GROVER, J. (ORAL)**

The appellants are in appeal against the judgment of the learned Single Judge dated 01.06.2017.

The claim of the respondent was for compassionate appointment on account of the death of his father in harness on 13.01.2006. In the very same year the respondent had submitted an application for compassionate appointment but was denied the benefit by the appellants who insisted on a succession certificate which was supplied in the year 2012.

On 01.09.2015, the claim was once again rejected which led to the writ proceedings where the learned Single Judge accepted the claim of the respondent which is a cause of grievance to the State through the present appeal. On a prior occasion the respondents had filed a civil writ petition No. 25697 of 2012 where the Court directed the State to consider his claim as

contained in the legal notice served upon them. No order was passed leading to contempt proceedings and during the pendency, the Executive Engineer passed an order on 01.09.2015 rejecting the claim altogether by saying 'the petitioner was not found eligible for appointment as per Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 issued by the Haryana Government vide Notification dated 01.08.2006.' Ultimately the case of the respondent was considered as per the 2006 Rules. The learned Single Judge was right that delay in approaching the appellants for compassionate appointment cannot be a ground to discard the plea of the respondent as it was they themselves who insisted on succession certificate. The order impugned in the writ petition does not even remotely refer to the respondent's claim except for saying that some amount of Rs.50,157/- had been deposited with the office of the Executive Engineer. The core issue required to be taken into account while considering the claim for compassionate appointment has not even been addressed.

What is required of the State is to take into consideration the economic plight of the family in distress and to ensure that only one claim is respected. To insist on a succession certificate for the purpose would be a fallacy for the reason that it is quite possible that even in a family of numerous dependents the remaining would give up the claim in favour of one, as has happened in the present case. The appellant-State is very well within its right to insist and ensure that the benefit does not flow to more than one dependent and in this regard had they insisted on an affidavit from the remaining dependents they would have been justified. In our mind succession certificate should not have been insisted upon to delay the

consideration of the claim of the respondent. Since no worthwhile consideration has been granted by the appellants to the claim of the respondent, we are of the opinion that the judgment of the learned single judge need not be interfered with. The appeal is held to be without any merit and the same is dismissed.

(MAHESH GROVER)  
JUDGE

(B.S.WALIA)  
JUDGE

14.01.2019  
sunita

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |