

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

CWP-35479-2019

Date of decision: 6.12.2019

Sandeep Kumar

.....Petitioner.

vs.

**Municipal Corporation, Nagar Nigam,
Panipat and another**

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Mahir Sood, Advocate for the petitioner.

Mr. Deepak Manchanda, Advocate for respondent No. 1.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

.....

Sanjay Kumar, J. (ORAL)

The prayer of the petitioner, innocuously worded as it is, seeks a mere direction to the Municipal Corporation, Nagar Nigam, Panipat, to decide his representation dated 25.9.2019 (Annexure P-2).

It is the case of the petitioner that his father, Pritam Lal, a Sweeper in the service of the Municipal Corporation, Panipat, died in harness on 16.2.2015. His representation 25.9.2019 (Annexure P-2) would manifest that after the death of the petitioner's father, the Corporation paid ex-gratia to the tune of Rs. 25,000/- to the petitioner's sister. The petitioner now seeks leave to return that amount so that he can avail employment on compassionate grounds in the Municipal Corporation.

This Court is informed that the State of Haryana has reintroduced the scheme of providing compassionate appointments, vide the Haryana Civil Services (Compassionate Financial Assistance or

Appointment) Rules, 2019. These Rules came into effect on 1.8.2019. Insofar as families of employees who died before the notification of these Rules are concerned, *Note 1 to Rule 3* of these Rules makes it clear that if such families were not sanctioned any compassionate financial assistance, be it for one reason or the other, they can exercise an option within six months from the date of notification of the Rules.

The case of the petitioner does not come within the ambit of the aforesaid Rules as it is an admitted fact that the petitioner's sister was extended financial assistance in the form of ex-gratia after the death of their father. Be it noted that the petitioner is 37 years of age as on date and the death of the father was 4 years ago.

It is well settled that compassionate appointment, being a welfare measure, has to be extended to one of the dependents of the deceased employee so as to help the family tide over the crisis caused by the sudden death of the bread winner. It is not a mode or method of recruitment, whereby the dependent of a deceased employee can seek such relief long after the death of such employee.

Viewed from any angle, the petitioner is not entitled to seek consideration of his aforestated representation as it is equally well settled that unless a *prima facie* right is made out, which is sought to be canvassed by way of a representation, there can be no mandamus to the authorities to consider such representation on merits.

The writ petition is accordingly dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

6.12.2019

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I attest to the accuracy and
integrity of this document

whether speaking/non speaking

yes/no

whether reportable/non reportable

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