

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

**CWP No.6371 of 1996 (O&M)**

**Date of decision: 03.03.2020**

**Krishan Lal Madan**

**.....Petitioner**

**Versus**

**State of Haryana and another**

**.....Respondents**

**CORAM:HON'BLE MS. JUSTICE RITU BAHRI**

Present: None for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

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**Ritu Bahri, J.**

Petitioner is seeking direction to the respondents to give a job to his son after his (petitioner's) premature retirement pursuant to an application dated 04.09.1993 (Annexure P-4).

Pursuant to the application dated 04.09.1993 (Annexure P-4), petitioner was ordered to be retired from service w.e.f. 05.11.1993 under Rule 6.11 of Punjab Civil Services Rules, Volume-II, vide order dated 26.11.1993 (Annexure P-5). Petitioner took retirement as he was suffering from Parkinsonism disease, Stage-III and was disabled to discharge his official duty. Thereafter, petitioner made applications dated 24.01.1994 and 30.03.1994 requesting the Engineer-in-Chief, Irrigation Department, Haryana-respondent No.2 to give job to his son Vivek Kumar as per Govt. instructions. However, vide letter dated 10.05.1994 (Annexure P-6), respondent No.2 informed the petitioner that there was no provision to appoint Office Assistant directly and no posts of UDC, Inspector or Sub

could only be considered against the post of Clerk in Irrigation Branch, Head Office, Haryana. Thereafter, petitioner again made an application dated 12.05.1994 (Annexure P-7) for giving a job to his son on the post of Inspector/Sub Inspector in Sales Tax/Civil Supplies & Labour Department.

The petitioner has placed on record copy of policy dated 31.08.1995 (Annexure P-13) in respect of giving employment to the dependent of deceased Government employee under the ex-gratia scheme. A perusal of clause 5 of this policy shows that the facility of compassionate employment to the dependent of Government servant shall be available if, the latter is declared medically unfit/blind/incapacitated by the Special Medical Board and retired on or before attaining the age of 55 years in the case of Class-I, II, III officers/officials and 57 years in the case of Class-IV employees. A Government employee, who is declared incapacitated/blind after 55 years of age in the case of Group A, B, C and after 57 years in the case of Group D employees, will not be entitled to this facility. In the present case, petitioner was Class-II officer.

Upon notice, written statement on behalf of the respondents has been filed, wherein they have taken a stand that the petitioner was alive and was drawing a pension of Rs.3251/- per month on the date of retirement. As per conditions of the policy dated 31.08.1995 (Annexure P-13), if the monthly income of applicant is Rs.2500/- per month or more, they he will not be entitled for appointment under the ex-gratia scheme.

Learned State counsel has further argued that the petitioner had retired after serving for 36 years. He had crossed the age of 55 years. The object of giving compassionate appointment is to wriggle out the family from a financial crises. In this backdrop, the instructions dated 31.08.1995

(Annexure P-13) were very clear that if, a person retires after the age of 55 years and his family has an income of Rs.2500/- per month or more, then the said policy will not be applicable.

In this case, the petitioner has retired after attaining 55 years of age and was getting a pension of Rs.3251/- per month. Therefore, his case does not fall under the instructions dated 31.08.1995 (Annexure P-13). In this view of the matter, no case for issuance of any direction, as prayed for, is made out.

No merits. Dismissed.

03.03.2020  
ajp

(RITU BAHRI)  
JUDGE

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