

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 13857 of 2020

Date of Decision: 17.12.2020

Javed Khan

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mohammad Arshad, Advocate
for the petitioner(s).

Mr. Rohit Arya, Deputy Advocate
General, Haryana for the respondents.

Anil Kshetarpal, J.

The petitioner has filed this writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2 to appoint the petitioner on compassionate grounds. The petitioner seeks appointment on the ground that his father late Sh. Rafik Ahmed, who was working as S.S. Master, died in harness on 16.09.2019 while on duty.

On 24.11.2020, the following order was passed by this Court:

“The hearing of the case was held through video conference on account of restricted functioning of the Courts.

Mr. Rohit Arya, Deputy Advocate General, Haryana, has submitted that the application submitted by the petitioner, for compassionate appointment, is under active consideration of Director Elementary Education, Haryana. He

submits that the decision thereon shall be taken positively within a period of one month.

It has been noticed that on 08.09.2020, the respondent department was directed to apply its mind and take a decision. Thereafter, the case was adjourned to 27.10.2020. Again, on the request of learned counsel for the State, the case was adjourned to 24.11.2020.

Keeping in view the aforesaid facts, a last opportunity is granted. If, no order is passed before the next date of hearing, the concerned authority i.e. Director Elementary Education, Haryana, shall be required to attend the hearing of the case personally, through video conference.

List on 17.12.2020”.

Mr. Rohit Arya, Deputy Advocate General, Haryana has forwarded on the official e-mail of this Court the communication dated 16.12.2020, which reads as under:-

“From

*The Director General, Elementary Education,
Haryana, Panchkula.*

To

*The Advocate General, Haryana,
Chandigarh.*

*Memo No. 3/70-2020 PP(2)
Dated, Panchkula, the*

Subject: Intimation regarding appointment approval order in CWP No. 13857 of 2020 Javed Khan vs. State of Haryana and Others.

Kindly refer to the subject cited above.

The present CWP is listed for hearing on 17.12.2020 in Court No..... and serial No....

In this case the petitioner claiming appointment on compassionate grounds and also claiming for granting Ex-gratia amount to the dependent of Late Rafik Ahmed in the form of Ex-gratia Assistance.

An opportunity of personal hearing was afforded to the petitioner on 08.12.2020 by the W/Director General Elementary Education Department and that as petitioner was satisfied with the appoint to the post of Clerk. It is therefore informed that the appointment of petitioner for the post of clerk has been approved by the Directorate of Elementary Education Dated 15-12-2020. The Ex-Gratia Assistance already has been released dated 18-08-2020. The copy of Appointment approval order and Ex-Gratia Assistance order are attached herewith.

Therefore, you are requested that these facts may kindly be brought to the notice of Hon'ble Court and also requested to dismiss the CWP as the grievance of the petitioner has been considered by the respondent department.

Sd/-

*Additional Director Pensions Primary,
for Director General, Elementary Education,
Haryana, Panchkula”.*

Keeping in view the aforesaid facts, the writ petition is rendered infructuous and is disposed of as such. The petitioner shall be at liberty to file a fresh writ petition if he still feels aggrieved.

**(Anil Kshetarpal)
Judge**

December 17, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No