

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

Sr. No.107

**CWP-17265-2020 (O&M)
Date of Decision: 16.10.2020**

Dalip Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Sherry K. Singla, Advocate,
for the petitioner.

ARCHANA PURI, J.(ORAL)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed for issuance of a writ especially in the nature of mandamus thereby directing the respondents to consider the claim of the petitioner for grant of ex-gratia employment on compassionate ground in pursuance to the circular dated 23.11.1992, issued by the respondents.

It is the claim of the petitioner that the father of the petitioner namely Shri Arjun Singh was employed with respondent no.3 and was working on the post of Lineman at Sub Divn. Budoli District Rewari. However, unfortunately, his father, on account of illness had suffered disability to the extent of 85% and on account of this incapacity, the respondents gave retirement to his father on medical ground on 20.03.2003. Thereafter, the petitioner had made an application to the respondents to provide employment on compassionate ground in place of his father. However, the claim of the petitioner was not considered. He had

approached this Court by filing CWP No. 4431 of 2005 and the said writ petition was disposed of with a direction to the respondents to decide the representation dated 24.4.2004. The said representation was considered and was disposed of on 13.05.2005, wherein it was observed that there was no provision in the Haryana Compassionate Assistance to the Dependents of Deceased Employee Rule, 2003 to provide compassionate appointment to the dependent of disabled employee. However, the respondents had not considered the claim of the petitioner for the compassionate appointment, in terms of the judgment passed by the Division Bench of this Court in CWP No. 14398 of 2005, titled as **Sawroop Chand vs. State of Haryana and ors.**, decided on 21.1.2016 as well as in the light of the circular dated 23.11.1992, which is relevant to the case of the petitioner. Also it is the case of the petitioner that the said circular was subsequently withdrawn vide circular dated 20.03.2006. However, the aforesaid withdrawn circular dated 23.11.1992 was applicable to the case of the petitioner as his father had retired on 19.05.2003 i.e. before the aforesaid circular was withdrawn subsequently vide circular dated 20.03.2006.

Now it is asserted that the respondents had issued notification whereby the Haryana Compassionate Assistance to the Dependents of the Deceased Employee Rules, 2019 is made applicable to the dependents of the deceased employee and in view of the same the prayer for the requisite appointment on compassionate ground had been made. It is submitted that legal notice dated 29.07.2020 has been issued to the respondents, copy whereof has been placed on record as Annexure P-14 and on the basis thereof till date no action has been initiated.

Notice of motion.

Mr. Kapil Bansal, DAG, Haryana accepts notice on behalf of the respondent no.1 . In the legal notice, which is Annexure P-14, the grievance of the petitioner has been elaborately given. Even the case law, so relied upon by him, has been detailed therein.

In the light of the same, the present writ petition is hereby disposed of with a direction to respondent nos. 2 to 5, to look into the grievance, so expressed by the petitioner in the legal notice and to redress the same, in accordance with law, within a period of six weeks from the date of receipt of copy of this order.

Accordingly, the present petition stands disposed of.

16.10.2020
dinesh

(ARCHANA PURI)
JUDGE

Whether speaking	Yes
Whether reportable?	No