

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

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**CWP-4004-2021
Decided on : 19.02.2021**

Gurwinder Kumar

... Petitioner

Versus

U.T.Chandigarh & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Kshitij Sharma, Advocate, for the petitioner.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawal, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India is for issuance of directions to the respondents to decide the legal notice dated 07.12.2020 (Annexure P-5) whereby the petitioner seeks the appointment on ex-gratia assistance basis on account of the death of his father, Jagdish Chand who had worked as a Baildar.

A perusal of the legal notice would go on to show that petitioner's father expired in harness in the year 2010. The said legal notice, thus, has been served upon the respondents after a period of 10 years. The mother was also getting pension and at no point of time for the last decade, the petitioner, who is now 36 years of age, had agitated for the claim of compassionate appointment. Though, counsel has vehemently submitted that in cases of Class-IV posts, there is no time limit as per the scheme available for compassionate appointment and that it was the duty of the respondents also to help the family in applying for the said benefit.

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Though the said instructions may show that a greater sympathy has to be given for Group-D posts and by relaxing the standards, depending upon the facts and circumstances of the case but the fact remains that appointment under the compassionate policies have been held as an exception. In **Umesh Kumar Nagpal Vs. State of Haryana & others JT 1994 (3) SC 525** the Apex Court has also held that the purpose is to enable the family to tide over the sudden crisis and to relieve the family of the deceased from financial destitution.

In the present case, for a decade, the family has managed to survive and therefore, this Court is of the opinion that at this belated stage, on account of delay and laches, the petitioner is not entitled to revive the cause of action which had been long lost and to start litigation at this stage, for grant of the said benefit. It is settled principle that writ jurisdiction is not to be exercised where there is inordinate delay and the party has slept over his rights.

Resultantly, in view of the above, the present writ petition is dismissed in limine.

FEBRUARY 19, 2021

sailesh

(G.S. SANDHAWALIA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No