

Sr. No. 114

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8459-2021

Date of decision: 08.09.2021

Moti Lal and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ajay Kumar, Advocate,
for the petitioners.

Ms. Rajni Gupta, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to grant compassionate appointment to one of the petitioners (both are sons of deceased employee), in view of the Government Notification dated 02.08.2019 (Ex-Gratia Rules, 2019) contained at Annexure P-2.

2. Learned counsel for the petitioners *inter alia* pleads that father of the petitioner died in harness on 18.09.2011. He argues that as per the applicable policy at the relevant time neither compassionate appointment was offered nor even otherwise ex gratia compensation was paid. The petitioners kept pursuing this case. Subsequently, the revised ex gratia policy was notified by Ex-Gratia Rules, 2019 wherein it has been provided that in case of non-grant of any ex gratia compensation, one more opportunity would be given to the family members of the deceased employee to exercise option within a period of 6 months, to either seek compassionate appointment or to get the compensation. Pursuant thereto, petitioner

submitted another representation dated 08.01.2020 (Annexure P-3). The same has not been adverted till date, hence the instant petition.

3. Notice of motion.

4. Learned State counsel, on advance service, appears and accepts notice on behalf of the respondent-State of Haryana and states that pending representation dated 08.01.2020 (Annexure P-3) shall be decided by competent authority in due course, in accordance with law.

5. At this stage, learned counsel for the petitioners also agrees that let a final decision be taken, by the competent authority on the pending representation dated 08.01.2020 (Annexure P-3).

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to look into the grievance of the petitioner as per representation dated 08.01.2020 (Annexure P3) and also by keeping in view the contentions raised in the present petition by treating the same as supplementary representation and take a decision in accordance with law.

7. Let the needful be done within a period of 03 months from today.

8. Disposed of accordingly.

08.09.2021
vandana

(ARUN MONGA)
JUDGE