

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

CWP-14386-2021

Date of Decision: 02.08.2021

RANBIR SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Bhavdeep Singh Mamli, Advocate
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner, *inter alia*, seeks issuance of a writ in the nature of *mandamus* directing the respondents to consider his case for ex-gratia employment on the death of his father and also to pay him the consequential benefits.

2. Father of the petitioner, who was working as a Peon, died in harness on 12.10.2011, when the petitioner was about 23-year- old. Though fully eligible to have applied as per the applicable ex-gratia compassionate employment policy, but for whatever reason, it seems that the petitioner did not file any formal application seeking employment under the policy *ibid*. There are bald averments in the petition that he had approached the competent authority with the request that he be given compassionate appointment, though no proof thereof has been appended with the petition. After maintaining a stoic silence for almost a decade, the petitioner finally gave a written representation dated 01.02.2021 (Annexure P-7) as pleaded in the petition herein. Since the same has not been adverted, apparently being time barred, the petitioner has now preferred the instant proceedings.

3. Having gone through the ex-facie averments of the petitioner, I am of the view that the same do not make out a case of indulgence under

extraordinary writ jurisdiction. Compassionate appointment is not to be construed as some kind of reservation, so as to entitle a family member to seek appointment as a matter or right, at any stage. In any case, had there been an application or representation immediately after the death of a serving employee, the case of the petitioner could perhaps have been considered keeping in view the real intent and spirit of the policy i.e. immediate amelioration of the financial crisis caused by sudden death of an earning member/bread winner of the family. The petitioner is currently 33-year-old, and even otherwise, seems to be beyond the age of employment as per the government norms of eligibility of upper age.

4. That apart, on Court query, learned counsel for the petitioner submits that the petitioner is a graduate and it is highly probable that being a graduate at the time of death of his father, he knew that at the most, he will get a Class IV job of a peon and perhaps did not want to work as such, and therefore, in his wisdom did not apply.

5. Be that as it may, having acquiesced for more than nine years, the petitioner approached vide representation dated 01.02.2021 (Annexure P-7), the same is only reflective of the fact that there was no penury of the kind at the time of death, to seek compassionate appointment. It seems that having tried his luck elsewhere all these years, when the petitioner was unable to get any other job commensurate with his education, he has now belatedly approached the department.

6. No grounds to interfere are made out, in view of the inexplicable and inordinate delay.

7. Dismissed.

August 02, 2021
gurpreet

(ARUN MONGA)
JUDGE

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