

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

127

CWP No.17288 of 2021
DATE OF DECISION : 3rd SEPTEMBER, 2021

Lokesh

.... Petitioner

Versus

The State of Haryana & others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

=====
In virtual Court
=====

Present : Mr. Pankaj Maini, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The petitioner has filed this petition under Articles 226/227 of the Constitution of India praying for issuance of writ in the nature of certiorari for setting aside the order dated 19.11.2016/21.08.2018 (Annexure P-2) passed by respondents No.5 & 6 and order dated 03.05.2010 (Annexure P-3) passed by respondent No.3 vide which the respondents have processed the case of the mother of the petitioner for grant of financial assistance under the Ex-Gratia case instead of getting the option for compassionate appointment or financial assistance in terms of the policies of 2003 and 2005 (Annexure P-4), along with certain other prayers.

Counsel for the petitioner has submitted that even the financial assistance being paid to the mother of the petitioner is being stopped by the respondents.

The sanction order dated 03.05.2010 (Annexure P-3) itself shows that the mother of the petitioner is getting the financial assistance under the Rules and she is entitled to get the financial assistance under Rule 5(i)(c) of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006 up to 28.12.2021. Therefore, it is obvious that the mother of the petitioner would be getting this financial assistance up to 28.12.2021. The counsel for the petitioner has not been able to produce anything to show that the payment of the monthly assistance to the mother of the petitioner has actually been stopped.

Since the mother of the petitioner has already availed the benefit of the full financial assistance under the Rules by exercising option, therefore, the case of the petitioner for compassionate appointment is not tenable as such. Under the Rules, only one option was available to the dependants of the deceased employee. The said option stands exercised by the family of the petitioner in favour of the financial assistance, which has already been paid to them for a long time.

In view of the above, the present petition is dismissed.

3rd SEPTEMBER, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>