

Sr. No. 114

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

CWP-18411-2021

Date of decision: 09.11.2021

Ompati

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jasbir Mor, Advocate,
for the petitioner.

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

ARUN MONGA, J. (ORAL)

This is third round of litigation by widow of an employee, who died in harness on 02.09.1989. She is before this Court seeking benefit of benevolent Compassionate Appointment Policy dated 16.03.2011 (Annexure P-9) claiming that her son ought to have been given the benefit thereof, on attaining the age of majority. Son of the petitioner was two years old at the time of death of her husband.

2. On advance service, learned State counsel appears and opposes the issuance of notice arguing in support of the impugned order while relying on the reasoning given therein.

3. Having heard rival contentions and on perusal of the impugned order, I do not find any ground to interfere as the writ petition lacks any merit and is liable to be dismissed in limine.

4. The *ex facie* narrative given in the petition reflects that petitioner had indeed earlier submitted an application for grant of *ex*

gratia compensation and/or compassionate appointment as per the relevant applicable policy within three years of the death of her husband.

5. On said application moved by the petitioner in the year 1992, when no decision was taken, petitioner approached this Court by way of CWP No. 16950 of 1991 (Annexure P-5) which led to an administrative decision taken in the year 1995, whereby petitioner was indeed offered compassionate appointment. However, she preferred to decline the same and instead made a request that her minor son be considered for the same, when he would attain the age of majority. Not that the respondents had accepted her request to offer appointment to her minor son, on attaining the age of majority, but it seems that petitioner self assumed that her request had been accepted and maintained a stoic silence until the year, 2005.

6. To be noted that, it is rather intriguing, that there is nothing on record to show that petitioner took any substantive steps to approach the respondents when her son attained the age of majority in 2005 to seek benefit of compassionate appointment. Nor there is any assertion in the pleadings even remotely to suggest that petitioner took any such steps in the year 2005 or shortly after that.

7. Be that as it may, having woken up in the year 2014, a legal notice dated 26.08.2014 (Annexure P-11) was caused by the petitioner/her son seeking compassionate appointment, once again raking up the issue, which otherwise lay dead on the administrative side with the official respondents.

8. Having rightly got no response, yet again petitioner approached this Court vide CWP No.11809-2015 which eventually led to passing of an order dated 29.05.2015 (AnnexureP-13). Pursuant thereto, petitioner was granted ex gratia compensation of Rs.2.5 lakhs as per the applicable Policy. Petitioner accepted the compensation. Notwithstanding, she is again before this Court, claiming compassionate appointment for her son instead of compensation already disbursed to her or in the alternative, still higher financial assistance, relying on 2006 Policy.

9. The aforesaid narrative has been given merely to reflect that despite long acquiescence on the part of the petitioner, the administrative authorities have already granted the benefit of ex gratia compensation, even though, the same perhaps was time barred. However, this Court would refrain to comment any further since the competent administrative authority has taken benevolent decision and petitioner has already accepted compensation. As regards the applicability of the 2006 Policy, the bare reading of the same would reflect that petitioner is not entitled to benefit as she had already exercised her option in the year 2005, as noted in the impugned order itself.

10. Accordingly, there is no infirmity either in facts or in law in the impugned order. No grounds are made out to interfere.

11. In any case, the very purpose of benevolent policy of granting compassionate appointment and/or financial assistance is immediate amelioration of the sudden financial calamity which falls upon the family, on the death of the sole bread winner. Here is a case, where this benefit is

being sought after a period of 32 years and that too having availed the ex gratia compensation in past. The compassionate appointment is being sought as if death in the family gives some sort of right in the nature of reservation in the services, which is not the purpose of the compassionate appointment. On that short ground alone, this writ petition is also liable to be dismissed.

12. Dismissed, accordingly.

09.11.2021
vandana

(ARUN MONGA)
JUDGE

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