

114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20639-2021
Date of Decision: 23.11.2021

OM DEVI AND ANOTHER

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sunil Kumar Dhanda, Advocate
for the petitioners.

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

ARUN MONGA, J. (ORAL)

Petition, herein, is for issuance of a writ in the nature of *mandamus* directing the respondents to appoint petitioner No.2 as Clerk as per his entitlement under the Ex-gratia Scheme.

2. *Prima facie*, it appears that the case of petitioner No.1 (widow) seeking compassionate appointment at such a belated stage qua her minor son, who is stated to be 39-year old now, is hopelessly time barred, since the death of her husband took place in harness way back on 29.07.1987, having rendered 18 years of service as JBT teacher. However, perusal of the policy appended with the writ petition particularly dated 31.08.1995(Annexure P-4) would reveal that in the event, compassionate appointment is not offered and/or otherwise found that the person is unable to serve on such a proposed appointment, alternatively *ex-gratia* compensation is to be paid.

3. It does seem to be a harsh case of a widow, who having lost her husband, soon after, also lost her eye-sight. She is stated to be completely

blind. She had immediately (after death of husband) applied for ex gratia appointment, but owing to her blindness, since she could not have accepted the offer of compassionate appointment, she requested for deferring the same to accommodate her son on his attaining majority . She remained sanguine throughout that on her son attaining the age of majority, he would be accommodated.

4. Be that as it may, it appears that petitioner has not been paid any *ex-gratia* compensation, which she was entitled as per policy *ibid*, relevant thereof reads as below :-

“1. All cases of ex-gratia appointment pending on the date of issue of policy shall be examined and decided in the light of the new policy irrespective of the death of the deceased employee.”

Rule 2 (ii) of the Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rules, 2003, also reads thus:

“ii) ex-gratia compassionate financial assistance to the family of the deceased, over and above all other benefits like ex-gratia grant due to his family to be paid @ 2.5 lacs, in cases where the family of the deceased does not opt for ex-gratia employment.”

5. In the aforesaid premise, the writ petition is disposed of with an expectation that the competent authority shall pass appropriate orders with regard to the pending *ex-gratia* compensation in terms of the policy, supra read with applicable Rules within a period of 60 days. Any favourable order so passed shall be implemented within a period of 30 days thereafter.

November 23, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No