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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-13442-2001 (O&M)

Date of decision: July 27, 2022

Kailashi Devi and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia*, is for issuance of a writ in the nature of Certiorari to quash letter dated 15.06.2001(Annexure P-8) whereby respondent No.3 has rejected the claim of the petitioner for appointment on compassionate grounds on account of death of her father.

2. Petition was filed on 31.08.2001 and noticed on 03.09.2001.

3. When taken up for final adjudication, there is no representation on behalf of the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

4. In any case, from perusal of record/pleadings, it appears that even on merits, claim of the petitioners is not admissible. Reference may in particular be had to the stand taken in Para-1 of the preliminary objections of

the written statement filed on behalf of respondents No.1 to 3 which is as under:-

“1. That in the present writ petition the petitioner No.1 Kailashi Devi has sought employment/appointment to the petitioner No.2 her daughter on the compassionate ground and also relied upon the Govt. instructions 31.08.1995 (Annexure P-6) stating therein that the dependent married shall also be considered for appointment under ex-gratia scheme.

In this regard it is submitted that the instructions dated 31.08.1995 have been modified by the Govt. vide instructions dated 25.09.1997 (Annexure R-1) wherein it has been decided as under:-

“The married dependents sons shall also be considered for appointment under ex-gratia scheme in view of the early marriages in many cases. An undertaking shall be obtained from the married dependents sons that he shall look after the family of the deceased employee. This undertaking should be attested by two respectable members of the society.”

The petitioner No.2 is a married daughter of deceased and is/was not dependent on the deceased, therefore, she cannot be given appointment under the ex-gratia scheme. It is further submitted that the petitioner Nos.1 and 2 has given legal notice dated 26.07.2001 through his advocate Sh. Rajinder Kumar Singla for giving appointment to Smt. Bukhana Devi the petitioner No.2. The notice was replied in which the detail reasons were given to the Counsel for petitioners vide this office letter dated 31.8.2001 (Annexure R-II) but in the present writ petition, the petitioner has concealed the facts of the notice and its reply (Annexure R-II). XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX”

- 5. Learned State counsel has canvassed arguments on the similar lines as per the defense taken in the written statement.
- 6. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.
- 7. In view of the aforesaid, no grounds are made out to interfere.
- 8. Dismissed.

(ARUN MONGA)
JUDGE

July 27, 2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No