

Sr. No. 108

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

CWP-6782-2022

Date of decision: 01.04.2022

Mahesh Godara

...Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Kirti Singh D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is for issuance of a writ in the nature of mandamus directing the respondents to grant the service benefits to the petitioner from the year 1994 to 2019 along with interest @ 18% per annum.

2. Learned counsel for the petitioner submits that father of petitioner was serving as J.E. on regular basis and he died on 28.10.1985 while in service. Mother of the petitioner made a written request to the department that as her both sons were then minor, they should be considered for compassionate appointment as and when they become major. The request was rejected. When petitioner attained majority, he gave representation. He filed CWP No.11505-2000, which was disposed of with a direction to the respondents to consider his case afresh and pass appropriate orders. Thereafter, on 19.09.2019, respondent department appointed the petitioner on compassionate ground on the post of Sub Divisional Clerk under Ex gratia Scheme of 1995. Now petitioner is seeking ante dated benefits from 1994 till 2019. Petitioner alleges that for these 25 years, the promotions, three pay commissions, ex gratia and other service benefits were not given

by the department. He submits that *qua* his aforesaid grievance, he submitted

a representation dated 11.02.2022 (Annexure P-4) but to no avail. Hence, the instant petition.

3. On advance service, learned State counsel appears and strenuously opposes the writ petition.

4. I have heard learned counsel for the parties and gone through the case file.

5. The ante dated service benefits in respect of compassionate appointment cannot be claimed as a matter of right as the policy does not bestow any fundamental or statutory enforceable right. The petitioner cannot claim the service benefits as a matter of right from the date he became major. The case in hand does not deserve any indulgence of this Court to interfere under extra ordinary writ jurisdiction. No grounds are made out to interfere. Dismissed.

01.04.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No