

124 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7405-2022
Date of Decision: 07.04.2022

SUNITA DEVI

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Manoj Chahal, Advocate
for the petitioner.

Mr. Sharan Sethi, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of *certiorari* to quash the impugned order dated 18.12.2020 (Annexure P-3), whereby neither service benefit on account of death of her husband have not been granted to her nor her request for the compassionate appointment is being considered.

2. Husband of the petitioner was working with the respondent-department on contract basis. He died in harness on 02.06.2020. Learned counsel for the petitioner relies on judgment of this Court rendered in ***Mamtesh vs State of Haryana and others 2019(4) SCT 116***, in support of his arguments, wherein it was held that even in the case of a temporary employee working for the State, in the event of death in harness, benefit of compassionate appointment to one of the family members can be extended. Therefore, he argues that in the case of petitioner same benefit ought to be accorded. Her husband was admittedly a contractual employee but having served for nine years and was entitled for regularization of his services, qua which his case was pending at the time when he suddenly died in the road accident.

3. Heard.

3. Ordinarily, this Court would not have interfered in the matter of compassionate appointments in the absence of any policy qua the contractual

employee, which concededly the husband of the petitioner was at the time of his death. However, given the mitigating circumstances as more particularly stated in the petition and also the fact that deceased husband of the petitioner had served the respondents for nine years, leaving behind young 33 years widow with four minor children to feed, it is expected of the respondents to have a compassionate outlook and try to accommodate the petitioner, subject of course to the requirement of services, on any suitable post in any class, on a similar arrangement of contract like her husband.

4. Let a decision be taken as expeditiously as possible, given that the petitioner and her four minor children continue live in penury caused by the sudden financial hardship due to the accidental death of her husband.

5. Disposed of accordingly.

April 07, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No