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

CWP No.22315 of 2021

DATE OF DECISION: 18.05.2022

Arun Kumar

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Bhupander Ghanghas, Advocate,
for the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari for setting aside impugned orders dated 15.12.2020 and 23.02.2017 (Annexures P-2 and P-3 respectively), whereby claim of the petitioner for compassionate appointment has been rejected.

2. Father of the petitioner was working as Beldar in PWD (B&R), Haryana and was promoted as Junior Engineer (Civil) on 28.01.2012. He died in harness on 19.11.2016. Being his legal heir, petitioner applied for ex-gratia financial assistance. Subsequently he came to know about the benefits of compassionate appointment and moved application dated 01.09.2020 (Annexure P-1) followed by various representations but the same has not been adverted till date. Hence, the petition.

3. Having once consciously opted for ex-gratia financial assistance as per the policy of 2006 which was applicable at the time of death of petitioner's father i.e., on 19.11.2016, the petitioner cannot now

turn around and resile merely because the government has come up with subsequent policy for compassionate appointment wherein instead of financial assistance, one family member of the employee, who dies in harness, has been given option to seek compassionate appointment. As per the earlier policy, the petitioner/his family has already been paid last drawn salary of the deceased employee which as per speaking impugned order is payable upto 19.11.2028. Even thereafter, the petitioner's family shall be entitled to family pension in accordance with law.

4. It is settled position that compassionate appointment is not to be construed in any manner as reservation to seek appointments by creating a special category of the wards of deceased employees who died in harness. The nobility and benevolence of said financial policies is to ameliorate immediate penury which the family is visited with on sudden death of an employee. Present is not a case where petitioner can possibly plead that there has been any financial hardship of the kind since having already opted for the applicable policy at the relevant time, family is being paid full salary along with option to be paid family pension after 2028, as already noted herein above.

5. In view of the above, no ground for interference by this Court is made out.

6. Dismissed.

MAY 18, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No