

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

**CWP-15477-2022 (O&M)
Date of decision: 20.07.2022**

Seema Saini

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.S.K.Kaushik, Advocate,
For the petitioner.

Mr. Pankaj Middha, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to consider her candidature for compassionate/ex-gratia appointment as well as for ex-gratia compassionate financial assistance.

2. Father of the petitioner who was appointed as Constable in the month of November, 1981, died in harness on 25.02.1989 due to accidental firing of his colleague. He was serving as Head Constable at that time. The respondent-department offered appointment as Class-IV employee to his mother who also died within two months i.e. on 14.08.1992. Thereafter, petitioner applied for ex-gratia appointment or in alternate financial assistance on the basis of policy applicable at the relevant time.

3. Qua her aforesaid grievance, petitioner also filed representation (Annexure P-7) but no action has been taken by the concerned authorities. Hence, the petition.

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

5. I am of the view that compassionate appointment by no stretch of imagination is to be taken as a reservation creating a separate vertical for the job seekers and the mobility of the same arises out of the benevolence shown by the State in those cases where family is visited with sudden penury for losing the only bread winner of the family and in order to ameliorate the financial hardship one member of the family is offered a job and in certain cases where a family member is not available and/or at the relevant time is a minor, a latitude is given at the time of attaining the age of majority she/he can apply for the job.

6. Instant is a case where petitioner has become major in the year 2003 and had sought the benefit of the policy. Whether or not she is eligible or entitled for appointment is a matter of merit but her application was not considered and/or was filed on the administrative side and perhaps the petitioner was acquiesced to the same thereafter as no action was taken on her part either on the departmental side and/or invoking any judicial proceedings though of course the application seeking the compassionate appointment by her was since not disposed of vide any specific written orders by the competent authority. Ruse herein is taken to invoke the proceedings

after 19 years stating that her said application is deemed to be pending with the department.

7. I am not inclined to accept the explanation of delay on the ground that since no administrative order was passed 19 years ago, petitioner can, at this stage, seek the benefit of subsequent policy which came in the year 2019. The same, in any case, was also after a period of 16 years of having filed her application. Merely because subsequent policy gives rights to certain people who had applied for compassionate appointment and their applications were pending, it cannot be construed that application as old as 19 years would get revived.

8. No grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

July 20, 2022
Shalini

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No