

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

CWP No.15679-2022

Date of decision: 22.07.2022

Rohit Bhadana

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Sandeep Kumar Goyat, 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 the claim of the petitioner for ex-gratia appointment under the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules 2019 notified on 02.08.2019 (Annexure P-4) and appoint him on group-C or group-D post.

2. Learned counsel for the petitioner submits that father of petitioner joined the Police Dept. as Constable in 2007. He died in harness on 10.04.2013 after rendering 6 years of service. The respondents admittedly gave the admissible compassionate financial assistance to mother of petitioner as per Haryana Compassionate Assistance to Dependents of Deceased Govt. Employees Rules 2006 notified vide notification dated 01.08.2006 (Annexure P-2). Learned counsel for the petitioner submits that, subsequently, petitioner submitted an application dated 10.11.2021 (Annexure P-3) for grant of Ex-Gratia appointment under the Rules of 2019 before respondent No.3 within 3 years of attaining age of majority. He submits that petitioner's mother is an illiterate lady and ought not to have accepted the financial assistance at

the time of death of her husband and instead should have waited for the petitioner (son) to attain majority for staking his claim for a job. Petitioner is now ready to return the monetary benefits received under the old 2006 Rules.

3. Concededly, having earlier accepted the Ex-gratia compensation in terms of the applicable compassionate assistance Policy, it is too belated, at this stage to turn around under the ruse that the mother of the petitioner being an illiterate lady was wrongly advised to accept the monetary compensation and, therefore, petitioner on attaining the majority is since willing to return the monetary benefits, he be instead thus given an appointment on compassionate grounds.

4. It is settled position of law that compassionate appointments are not any kind of reservation. Nobility and the benevolence thereof is only for the purposes of amelioration of the sheer penury, which the family of the deceased is visited on a sudden death of sole earning member of the family.

5. Admittedly, family is currently being paid monthly financial assistance in terms of the applicable policy, it is thus not a case where they are suffering from any financial hardship.

6. In the aforesaid premise, no grounds are made out to interfere.

7. Dismissed.

JULY 22, 2022
Vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No