

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

213

CWP-19689-2015

Date of decision : 13.07.2022

Shyam Kumar

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Atul Yadav, Advocate for the petitioner.

Dr. Kapil Bansal, DAG, Haryana.

Mr. Keshav Gupta, Advocate for respondents No.2 to 5.

Anupinder Singh Grewal, J. (Oral)

The petitioner has challenged the order dated 31.08.2006 (Annexure P-6) whereby his application for compassionate appointment has been rejected.

Learned counsel for the petitioner submits that the father of the petitioner, who was working as Lineman, had expired on 12.01.1999 and therefore, the petitioner is entitled to be appointed on compassionate ground.

Learned counsel for respondents No.2 to 5, while referring to the written statement, submits that earlier the brother of the petitioner had applied for compassionate appointment and his case was rejected by the order dated 31.08.2006 on the ground that the income of the family was exceeding Rs.6,000/-. Rule 8(B) of 'the Haryana Compassionate Assistance to the dependent of deceased Government Employee Rules, 2003' stipulates that for a person to be eligible for compassionate appointment, the income of the family should not exceed Rs.6,000/- per month. The order denying the petitioner's

brother's appointment on compassionate ground was not challenged. He also submits that the other legal heirs of the father of the petitioner have not submitted the affidavit till date. Although the counsel for the respondents had submitted before a Coordinate Bench in CWP No.5482 of 2013, on 01.10.2013 that respondent No.2 is ready to pay financial assistance of Rs.2.5 lacs but the counsel for the respondents submits that he had not been authorized to make such a statement.

Heard.

The father of the petitioner, who was working as Lineman, had expired on 12.01.1999. The brother of the petitioner had sought compassionate appointment but his case had been rejected. The brothers of the petitioner are not parties here and there appears to be *inter se* dispute with regard to claim on compassionate appointment. The petitioner is stated to have made an application for grant of appointment on compassionate ground on 14.09.2007 i.e. after eight years of the death of his father. The petitioner was over 20 years old at the time of the death of his father. The combined income of the members of the petitioner's family is stated to be over Rs.6,000/-.

In view of the above, I do not find any infirmity in the impugned order rejecting the case of the petitioner for appointment on compassionate grounds. However, the petitioners would be entitled to disbursement of financial assistance. Counsel for the respondents in an earlier writ petition bearing CWP No.5482 of 2013 had made a statement before a Coordinate Bench on 01.10.2013 that they are willing to pay the financial assistance of Rs.2.5 lacs to the petitioner. The said petition preferred by the petitioner for compassionate appointment had been withdrawn with liberty to file a fresh one.

No application had been made by the respondents in that petition that counsel was not authorized to make such a statement. The stand is being taken for the first time in the instant petition while filing the written statement.

Consequently, I direct that respondent No.2 would disburse financial assistance of Rs.2.5 lacs to the petitioner on his furnishing undertakings of other legal representatives in this regard. The amount would be disbursed to the petitioner within one month from the date of receipt of the undertakings.

The petition stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

July 13, 2022

sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No