

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

CWP-17520-2000 (O&M)

Date of decision: August 30, 2022

Kuldeep

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Chanderhas Yadav, Advocate for the petitioner.

Ms. Mamta Singla Talwar, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondent authorities to appoint the petitioner on the post of Beldar on ex-gratia basis on compassionate ground as per policy dated 31.03.2003 (Annexure P-2) of the State.

2. Succinct factual background first. Father of the petitioner was working on the post of Beldar with the respondent-Department. He died on 12.07.2015 in harness. At that time, policy dated 31.03.2003 (Annexure P-2) was prevailing. Petitioner applied under the said policy. On 29.09.2005, petitioner submitted Form-A, Form-B and Form-C (Annexures P-4 to P-6, respectively) as desired by the respondent-authorities. He submitted many documents as required by the respondent-authorities from time to time. Respondents kept pending the case of the petitioner for providing ex-gratia appointment. Ultimately, case of the petitioner was dealt with under the Policy of 2006 and mother of the petitioner was granted family pension.

Thereafter, petitioner and his mother made a representation dated 07.05.2009 (Annexure P-17) seeking a job also. Having waited, they finally served legal notice dated 17.08.2018 (Annexure P-18), but no action has been taken thereon.

3. I have heard learned counsel for the parties and perused the record.

4. Petition was filed in the year 2020. Concededly, father of the petitioner died in harness on 12.07.2005. Petitioner thus approached this Court too belatedly i.e., after more than 5 years of death of his father. In the return, stand taken is that case of the petitioner was sent to respondent No.3 for granting requisite benefit to the legal heirs of the deceased employee under Rules of 2003. But prior to taking any decision thereon, said Rules were repealed by The Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules, 2005. Thereafter, vide notification dated 01.08.2006, the Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules, 2006 came into force. Vide letter dated 29.01.2007/ 01.02.2007 (Annexure P-16), case of the petitioner was sent back for examining the same in the light of Rule 5 of the new notification dated 01.08.2006 in the prescribed proforma after taking option from the spouse of deceased as per Rules 6 & 8 of new Rules of 2006. Legal heirs of the deceased employee or the petitioner did not submit their case per the prescribed proforma of Rules of 2006.

5. That apart, widow of the deceased had already availed the financial assistance as per applicable policy and acceptance of claim of the petitioner for compassionate appointment would amount to take double and undue

advantage of death in harness of the employee. More so, compassionate appointment is merely meant to ameliorate the immediate financial calamity a family is visited with, due to sudden death of an earning member. It is not a right of reservation to seek a job which can be enforced.

5. In view of the aforesaid, no grounds are made out to interfere.

6. Dismissed.

(ARUN MONGA)
JUDGE

August 30, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No