

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

CWP-20458-2022 (O&M)

Date of decision: November 17, 2022

Vinod Kumar

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Tribhawan Singla, Advocate for the petitioner.

Mr. Pankaj Middha, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to decide the claim of the petitioner for *ex-gratia* appointment in the respondent-Department.

2. Plead case is that father of the petitioner, namely, Narsi Ram working as Agriculture Inspector with the Agriculture Department, Haryana, expired on 28.05.1994 while in service. Mother of the petitioner, namely, Salochana Devi made a representation dated 12.07.1994 (Annexure P-1) before the respondents stating that her son, i.e. petitioner-Vinod Kumar was minor having date of birth as 15.01.1982 and he be given job on compassionate grounds as per his qualification on attaining the age of majority. Sub Divisional Agriculture Officer, Hisar vide letter dated 22.07.1994 (Annexure P-2) wrote to the Deputy Director, Agriculture, Hisar to request higher authorities to reserve one post for the son of deceased employee since he was minor. Deputy Director, Agriculture, Hisar forwarded

the same to the Director Agriculture, Haryana vide letter dated 04.08.1994 (Annexure P-3). Chief Secretary to Government of Haryana sought some information from the Director, Agriculture, Haryana vide letter dated 02.01.1995 (Annexure P-4), who further sought said information from the Sub Divisional Agriculture Officer, Hisar vide letter dated 31.07.1995 (Annexure P-5). Relevant information was provided vide letter dated 31.07.1995 (Annexure P-6) by the Sub Divisional Agriculture Officer, Hisar. Further information was called for by the Sub Divisional Agriculture Officer, Hisar vide letter dated 16.08.1995 (Annexure P-7), from the mother of the petitioner that how she will take care of her family for 5 to 6 years as her son was minor. Mother of the petitioner sent reply vide letter dated 19.08.1995 (Annexure P-8). Deputy Director Agriculture, Hisar vide letter dated 18.09.1995 (Annexure P-9) asked the Director, Agriculture, Haryana that Ex-Gratia payment be made to the widow as she requested that her son, who was studying in 9th class, will prefer to choose job after attaining the majority and a post for him may be reserved in the meanwhile.

2.1. Thereafter, vide letter dated 02.12.1996 (Annexure P-10), mother of the petitioner was informed that as per ex-gratia policy, she had to apply within 3 years of date of death of her husband and post cannot be reserved for her son till the time of attaining the majority. Accordingly, mother of the petitioner sent her consent vide letter dated 11.12.1996 (Annexure P-11) that she is ready herself to work, if offered a job on compassionate grounds. But no job was offered to mother of the petitioner on the ground that she was not keeping well and was not able to do the job. Vide letter dated 28.12.1998 (Annexure P-13), mother of the petitioner requested to provide job to her son

(the petitioner), who had passed matriculation examination since she remained ill.

2.2. One Anil Kumar son of Chuni Lal, whose father died on 19.01.1993, preferred CWP-18107-2016, which was disposed of vide order dated 30.09.2016 (Annexure P-16) with a direction to the respondents to look into the claim of said Anil Kumar for compassionate appointment. As per information received by the petitioner through RTI, said Anil Kumar was granted the benefit of compassionate appointment by the Department. Likewise, compassionate appointment was granted to some other applicants as well but petitioner has been denied the same. Hence, the present petition.

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

4. Concededly, death of the petitioner's father took place way back on 28.05.1994 on which date he was a minor. Mother of the petitioner represented to the respondent-Department on 12.07.1994 to provide job to her son (petitioner herein) on attaining the age of majority. The matter remained pending ever since with the offices of the respondent-Department, which caused colossal delay of as many as 28 years when for the first time, writ petition was filed by the petitioner in the year 2022 seeking benefit of compassionate appointment.

5. Be that as it may, even the petitioner was stated to have done his matriculation in the year 1998 as mentioned in letter dated 28.12.1998 (Annexure P-13) of his mother, but he kept sitting over his right, if any, to seek compassionate appointment and by sheer acquiescence thereof himself contributed to the delay.

6. Trite it is to say that compassionate appointment is not to be treated as a reservation of any kind so as to wake up any time and seek enforcement of any such right arising out of it. It is merely benevolent measure undertaken by an employer to ameliorate the immediate penury of family members of a deceased employee, who dies in harness, and the family members are visited with sudden and extreme hardship in the given situation where there is no other earning member in the family. Death of petitioner's father took place in the year 1994 and now 28 years later, it cannot be the case of the petitioner that the sudden poverty with which they were struck in 1994, at this stage, is to be addressed after 28 years by giving compassionate appointment.

7. Even otherwise, entire delay is completely attributable to the petitioner and/ or his family members and department cannot be faulted with.

8. Dismissed on the ground of delay and laches.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

November 17, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No