

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

CWP-25444-2021

Date of decision: March 24, 2022

Naresh Kumar

....Petitioner

versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rose Gupta, Advocate for the petitioner.

Ms. Kirti Singh, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the order dated 22.09.2021 (Annexure P-13) passed by respondent No.2 declining the employment to the petitioner under Ex-Gratia Policy on compassionate ground without any justifiable reason and in an illegal and arbitrary manner.

2. Learned counsel for the petitioner submits that father of the petitioner, namely late Sh. Mewa Singh was appointed as Warder on 07.10.1992 in the office of Central Jail, Ambala and died during his service on 02.06.2013. He submits that after the death of the father of the petitioner, his mother was granted an amount of Rs.25,000/- as ex-gratia grant vide order dated 05.08.2013 as well as Monthly Financial Assistance in the pay scale of Rs.5200-20200 + 1900 (grade pay) w.e.f. 02.06.2013 to 01.06.2020 vide a separate order of even date. At the time of death of his father, petitioner was minor and could not have applied for the compassionate appointment. Upon attaining the age of majority, petitioner approached the

respondents, but even after running from pillar to post, no heed was paid to his request. He accordingly, served a legal notice dated 06.03.2000 to respondent No.2, but to no avail. Petitioner had also filed a CWP-14881-2021 which was disposed of with a direction to the respondents to take a final decision on the legal notice *ibid*. Petitioner was called by the respondents and informed that since respondent No.2 has already provided ex-gratia grant as well as financial assistance to his mother, therefore, they will not provide employment to the petitioner on compassionate ground. Hence, the present petition.

3. On advance service, learned State counsel appears and opposes issuance of notice of motion.

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

5. Perusal of the applicable policy/Rules dated 01.08.2006 governing the compassionate appointment contained at Annexure P-14 reveals that as on the date of death of the father of the petitioner, there was no provision for granting any ex-gratia job and it was only financial assistance and the same was accordingly, granted. For ready reference, relevant extract of Clause 5(1)(c) of Ex-gratia Policy, 2006 is reproduced herein below: -

“5(1) On the death of any Government employee, the family of the employee would continue to receive as financial assistance a sum equal to the pay and other allowances that was last drawn by the deceased employee in the normal course without raising a specific claim,--

(a) xxxxxx

(b) xxxxxx

(c) For a period of seven years till the date the employee would have retired from Govt. service on attaining the age of superannuation, whichever is less, if the employee had attained the age of forth-eight years.”

6. On a Court query, learned counsel for the petitioner does not controvert that as on the date of death, policy *ibid* was applicable and not one which came later dated 02.08.2019 (Annexure P-10). This latter policy no doubt contains the provision of appointing ex-gratia job. But it is not applicable to the case of the petitioner. As such, no benefit can be granted to him in terms of the later policy. In any case, compassionate appointment is not to be mis-construed as any vested right or reservation to seek ex-gratia appointment as the nobility of granting out of the way jobs on compassionate grounds is to ameliorate immediate poverty, which the family may be visited with a sudden death of an employee in harness. The death in the present case took place way back in 2013 and cannot therefore, be taken as a case of such extreme hardship after a lapse of 9 years. Such hardship, if any, in present case seems to have been tided over. In any case, the financial assistance as per entitlement was duly granted to the petitioner through his mother at the relevant time.

7. No grounds for interference are made out.

8. Dismissed.

(ARUN MONGA)
JUDGE

March 24, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No