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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-1147-2017 (O&M)
Date of decision: 05.01.2023

Mohsin Khan

... Petitioner

Vs.

S.S. Phoolia

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mani Ram Verma, Advocate
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

On 22.08.2008, following order was passed: -

“We are unable to appreciate and accept the stand taken by the respondents, whereas we find substance in the averments made by the petitioner(s). As noticed above the husband of the petitioner expired on 11.10.2005 and the application for compassionate appointment was moved on 24.10.2005. The said application was to be considered under the then prevalent Rules/Policy/Scheme. Admittedly, the same has not been done in the present case and as such the petitioner has been deprived of the benefit of being considered under the applicable Rules/Policy/Scheme.

In these circumstances, we dispose of these writ petitions and direct the respondents to consider the claim of the petitioner (s) afresh in the light of instructions/Rules applicable at the time of death of the government employee.”

Short reply by way of affidavit of Director, Elementary Education, Haryana has been filed, which reads as under: -

“After the observation of Chief Secretary to Govt. of Haryana, the case was submitted to the concerned branch of the office of Director Secondary Education being the competent authority for clarification and it was clarified that from the year 2003 to 2006, there was no quota available for the post of clerk under the reservation of 5% of ex-gratia policy. Thereafter case was re-submitted to Chief Secretary to Govt. of Haryana for giving relaxation in ex-gratia appointment on compassionate grounds on the post of peon to the petitioner which was received on 28.11.2017 and consequently sanctioned was issued on 20.12.2017 (Annexure R-1) and appointment was issued on 30.01.2018 to the petitioner (Annexure R-2). Petitioner joined as such on 09.02.2018.”

Learned counsel for the petitioner disputed the fact about the contentions raised in the same by submitting that the post was available at that particular time.

Be whatsoever, this is beyond the scope of contempt of Court, whether availability of post was there or not, as in the order dated 22.08.2008, it was directed to consider claim of the petitioner, which has already been considered and decided.

Accordingly, this petition is rendered as infructuous.

[ARVIND SINGH SANGWAN]
JUDGE

05.01.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No