

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105)

CWP-3269-2023

Date of decision : 17.02.2023

Smt. Kamlesh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. M.S.Rana, Advocate for the petitioners.

...
SUVIR SEHGAL, J. (Oral)

Petitioners have approached this Court for issuance of a writ in the nature of mandamus directing the respondent authorities to consider the claim for appointment of petitioner No.2 on compassionate basis under The Haryana Civil Services (Compassionate Financial Assistance or Compassionate Appointment) Rules, 2019 (for short "the 2019 Rules"). Another prayer has been made for directing the respondent authorities to consider and decide the application, Annexure P-7, submitted by petitioner No.1.

Counsel for the petitioners submits that petitioner No.1 is the widow of Baljit Singh, who was engaged as a Kahar on temporary basis, vide order dated 28.10.1989. He submits that pursuant to order passed by the Writ Court, the services of Baljit Singh were regularised by order dated 31.03.2011, retrospectively w.e.f. 1999. Counsel submits that Baljit Singh, unfortunately, expired on 21.02.2006 during his service tenure. It is his case that despite the mishap, the petitioners, who are the legal representatives of

the deceased, have not been given any financial assistance or compassionate appointment. Petitioner No.1 was forced to file a civil suit, which was decreed on 25.01.2016, Annexure P-1, and in appeal, the judgment and decree was modified and by judgment dated 01.11.2019, Annexure P-4, directing respondent-authorities to grant monthly financial assistance as per the Haryana Compassionate Assistance to the Dependents of Deceased Government Employment Rules, 2006 (for short “the 2006 Rules). Counsel submits that in the meantime, the 2006 Rules were repealed and the 2019 Rules came into force w.e.f. 01.08.2019. He submits that as the financial assistance was not paid, petitioner No.1 exercised the option under Note 1 to Rule 3 of the Rules 2019 and submitted an application, Annexure P-7, seeking compassionate appointment for her son - petitioner No.2. Counsel submits that all the documents and an affidavit were furnished to the effect that the civil appeal as well as claim for financial assistance will be withdrawn in case her son is given appointment on compassionate basis. Counsel submits that instead of deciding application, Annexure P-7, order dated 23.06.2022, Annexure P-14, was issued sanctioning financial assistance. Counsel submits that the petitioners would be satisfied in case a direction is issued to respondent No.2 to decide the application, Annexure P-7 in a time bound manner. Counsel further submits that in case, financial assistance has been disbursed, pursuant to order dated 23.06.2022, Annexure P-14, petitioners undertake to refund the same.

Notice of motion.

On asking of the Court, Mr. R.K.S.Brar, Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Given the nature of order being passed, this Court does not deem it necessary to call for a response from the respondents.

The case reflects a sorry state of affairs. Despite the fact that bread earner of the family expired in February 2006, his family has been litigating for the last more than 16 years for the release of financial assistance/compassionate appointment. Apathy of the official respondents is writ large.

Having heard counsel for the parties, but without examining the claim of the petitioners on merits, writ petition is disposed of with a direction to respondent No.2 to decide the application, Annexure P-7, submitted by petitioner No.1 within a period of four months from the date of communication of copy of this order.

In case, respondent No.2 reject the claim of the petitioners, an order assigning reasons be passed and communicated to the petitioners.

(SUVIR SEHGAL)
JUDGE

17.02.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No