

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.201

CWP-13878-2000 (O&M)

Date of decision: 03.07.2023

Phoolpati

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Priya Pandey, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

1. The present petition was filed by Phoolpati through which she had sought regularization of her services. During the pendency of the petition Phoolpati's services were regularized but unfortunately she expired on 13.10.2009.

2. On 13.04.2023, this Court had passed the following order:-

“Affidavit dated 12.04.2023 of the District Education Officer, Jind, has been filed in Court. The same is taken on record.

As per the contents of the affidavit, during the pendency of the present petition, the petitioner passed away on 13.10.2009 and all her due benefits i.e. leave encashment, GIS, pay and arrears, have already been granted to Dharampal (son of the petitioner).

A perusal of the order dated 13.09.2022 passed by a Coordinate Bench of this Court would reveal that the counsel for the petitioner has also passed away.

In view of the aforesaid aspect of the matter, Ms. Priya, Pandey, Advocate, is hereby appointed as a Legal Aid Counsel, in the present case. Registry is

directed to supply photocopy of the complete paper-book along with Annexures to the learned counsel. The fee of the Legal Aid Counsel, shall be paid by the High Court Legal Services Committee.

Learned State counsel is directed to inform Dharampal (son of the petitioner) regarding the pendency of the present petition and the date fixed.

Adjourned to 03.07.2023.”

3. In pursuance to the afore-quoted order, Dharampal son of Phoolpatti has appeared and acknowledged the factum of death of his mother. He further submits that the State has not given compassionate appointment to him and therefore, he be permitted to amend the petition. However, neither any application made by Dharampal to the State in this regard nor any order by the State Government rejecting his claims has been produced.

4. The present petition has been filed by Dharampal's mother and therefore, Dharampal cannot be allowed to amend the petition to include therein the prayer for appointing him on compassionate basis on his mother's death.

5. In the light of the above, the present petition is disposed of with liberty to the petitioner's son to first approach the State Government for consideration of his claim for appointment on compassionate basis. In case the State decides to reject his claim he would at liberty to take recourse to his legal remedies against such rejection.

July 03, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No