

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

**CWP-17344-2022  
DECIDED ON: 24<sup>th</sup> AUGUST, 2023**

**MOHIT AND OTHERS**

**.....PETITIONERS**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Rahul Gautam, Advocate for  
Mr. Deepak Vashishth, Advocate  
for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Udit Garg, Advocate  
for respondent Nos.2 to 4.

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**SANDEEP MOUDGIL, J (ORAL)**

1. The jurisdiction of this Court under Articles 226 and 227 of the Constitution of India has been invoked for issuance of a writ in the nature of mandamus for appointment of petitioner No.1 on the basis of ex-gratia policy dated 02.08.2019 and also to grant compassionate financial assistance/appointment to the dependent of the family member of a government employee who died while in service.

2. The case of the petitioners as enumerated from the pleadings in the writ petition is that the father of petitioners No.1 & 3 unfortunately died on 28.08.2008 while serving at UHBVNL. In support thereof, a photocopy of the death certificate of the deceased employee is attached as Annexure P-1 in the

present petition. At the time of death of the deceased employee, the age of petitioner No.1, who is the son of deceased employee, was 12 years whereas the age of petitioner No.3, who is the daughter of the deceased employee, was 11 years, thus, none of them was eligible for compassionate appointment. It is further the case of petitioners that an amount of Rs.25,000/- was accepted on account of compassionate financial assistance by the wife of the deceased employee on 23.06.2009. Now petitioner No.1 has applied for compassionate appointment on account of death of his father under the ex-gratia policy issued on 02.08.2019 and submitted a representation in this regard on 04.09.2020 (Annexure P-3).

3. Learned counsel for the petitioner has relied upon the judgment passed by this Court in CWP-23170-2018 titled as “Sudhir Vs. State of Haryana and others”. The relevant part of the said judgment is reproduced as under:-

*“ It is indeed a very unfortunate case where the petitioner had already lost his mother. He thereafter lost his father who was in government service when the petitioner barely 9 years of age. It would, thus, also be equitable that the petitioner be. considered for compassionate appointment in terms of the Rules.*

*Consequently, the petition is allowed. The case of petitioner would be considered for compassionate appointment in terms of 2003 Rules. The delay in applying stands condoned. The needful shall be done within two months. In the event of petitioner being offered appointment on compassionate ground, he would reimburse his share of ex-gratia amount which he had received.”*

4. In the present case, notice of motion was issued on 24.08.2022 by this Court considering the sole assertion raised at that time that only Rs.25000/- has been accepted by petitioner No.2 who is the mother petitioners No.1 & 3 who were minor at that time.

5. A short reply by way of an affidavit Sh. Joginder Singh, Executive

Engineer was filed wherein in para 5 has been categorically recorded that a sum of Rs.25,000/- ex-gratia amount was sanctioned vide CE/OP Rohtak memo No.312 dated 23.06.2009, which has been accepted by petitioner No.2 in particular. The attention of this Court has also drawn to the office order No.129 dated 09.03.2019 (Annexure R-1) whereby it was ordered that in terms of provision contained in the Haryana Compassionate Assistance to the dependents of deceased Government Employees Rules 2006 adopted by the UHBVNL vide memo No. Ch.86/UH/Pen/Loose dated 07.09.2006 and memo No. Ch.98/UH/Pen/Loose dated 13.03.2007, sanction was accorded for the grant of compassionate assistance by way of ex-gratia monthly assistance in favour of petitioner No.2-Nirmal Saini who is wife of Late Sh. Sunil Kumar, LDC which shall be continue on monthly basis equal to the pay and other allowances drawn by the deceased in normal course. Apart from that the family of the deceased shall be eligible for family pension as per rules after completion of superannuation period.

6. Learned counsel for respondent Nos.2 to 4 contended that the policy dated 02.08.2019 (Annexure P-2) relied upon by the petitioner is not applicable to the case of the petitioners whose claim already stands settled as per the Haryana Compassionate Assistance, Rules 2006.

7. In view of the above submissions made and in light of the judgment rendered by Supreme Court in ***Civil Appeal No. 8842-8855 of 2022 titled as State of West Bengal vs. Debabrata Tiwari and Others***, wherein it has been held that compassionate appointment is not a vested right to be claimed under Article 226/277 of the Constitution of India and if it needs to be claimed then it has to be made to the appropriate authorities within the reasonable time without there being

any delay or laches on the part of the petitioner.

8. Hence, no ground is made out for compassionate appointment/financial assistance, since the basic principle of granting any financial assistance or the compassionate appointment to the family of deceased is to provide help in meeting out hardship on account of untimely death of the employee.

9. Considering the judgments wherein Compassionate Financial Assistance or appointment has been made available under various schemes from time to time by the State government. In the present case, the petitioners have already availed the benefits as applicable to them as per 2006 rules and now they cannot be permitted to avail the benefits under the new 2019 policy which explicitly bars the case of the petitioners.

10. In view of aforesaid discussion, this Court does not find any merit in the present petition and the same is dismissed with no order as to costs.

24<sup>th</sup> AUGUST, 2023  
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(SANDEEP MOUDGIL)  
JUDGE

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|----------------------------------|---------------|
| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |