

CWP-14364-2021

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

CWP-14364-2021

Date of decision: 29.05.2023

Javed Khan

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Afjal Hussain, Advocate for
Mr. Mohd. Arshad, Advocate,
for the petitioner.

Mr. Sanjeev Kaushik, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

1. The present petition has been filed for issuance of directions to the respondents to revise the pay scale of the petitioner as Rs.9300-34800+4600 GP, ACPL-10, to which he is entitled to in view of the provisions of Ex-Gratia Policy, 2019.

2. Learned counsel for the petitioner contends that the father of the petitioner, who was working as a Social Science, Master, in the Education Department, died in harness on 16.09.2019; that case of the petitioner is fully covered by the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019 (for short, 'the Rules, 2019'); that during pendency of CWP-13857-2020, the petitioner was appointed as a Clerk on 14.12.2020, and that the petitioner is now entitled to grant of one step lower pay scale to that of the post on which the

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deceased employee was working.

3. At the outset, learned State counsel submits that in para 19 of the petition, the petitioner has given wrong facts. It has been stated in the aforesaid para that CWP-3502-2021 (the second petition filed by the petitioner) was dismissed as withdrawn with liberty to file a fresh one. However vide order dated 15.02.2021, the aforesaid writ petition was decided and the following order had been passed:

“After arguments were heard for sometime and this Court showed its disinclination to interfere, learned counsel for the petitioner seeks to withdraw the instant writ petition with liberty to pursue his grievance before the administrative authorities.

The writ petition stands dismissed as withdrawn with the aforesaid liberty.”

4. Learned State counsel further submits that after filing CWP-13857-2020 (the first petition by the petitioner), the Department had already approved ex-gratia appointment to the petitioner and that in view of Rule 13 of the Rules, 2019, once an appointment has been offered to the dependent of a deceased or missing Govt. employee, no request for change of post shall be entertained. Learned State counsel further submits that the source of providing employment or assistance on compassionate grounds, is purely based on humanitarian grounds.

5. I have heard the learned counsel for the parties and have also gone through the record.

6. Indisputably, the petitioner has been appointed as a Clerk on compassionate grounds. The source of such employment is purely based

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on humanitarian grounds. Needless to mention that compassionate appointment being a special scheme, no selection process is conducted. It is worth mentioning that Rule 7 (1) (a) of the Rules, 2019 specifically provides that the compassionate appointments under these rules shall be confined to Group C or Group D posts only. The petitioner has rightly been appointed on the post of Clerk in the pay scale of 5200-20200 (G.P.1900) on compassionate grounds.

7. Moreover, it has been stated in para 19 of the petition that CWP-3502-2021 (the second petition filed by the petitioner) was dismissed as withdrawn with liberty to file fresh one. However vide order dated 15.02.2021, the aforesaid writ petition was decided with liberty to the petitioner to pursue his grievance before the administrative authorities. Thus, there being no liberty to file a fresh petition on the same cause of action, no indulgence is called for.

8. In view of the above, this Court does not find any merit in the present petition.

9. Dismissed.

29.05.2023

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No