

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

211

CWP-17864 -2017 (O&M)  
Decided on :14.12.2023

Digvijay Singh and another . .Petitioners

Versus

State Of Haryana And Others . . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Shvetanshu Goel, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1. In the present petition, the claim of the petitioners is for the grant of compassionate appointment to petitioner No. 1 after the death of his father, who was serving as a constable with the Haryana Police and had unfortunately died on 09.09.1997.

2. Learned counsel for the petitioners submits that alternate prayer of the petitioners is for the release of the financial assistance as per the entitlement keeping in view the date of the death of the father of the petitioner No. 1 i.e.. 09.09.1997

3. Learned counsel for the petitioner submits that keeping in view the reply filed, the petitioner is not raising/pressing the claim qua the grant of compassionate appointment but submits that as, the ex-gratia financial assistance was approved, the same be released in favour of petitioner No. 2 i.e. wife of the deceased employee.

4. Learned counsel for the respondents submits that the ex-gratia financial assistance was allowed in favour of petitioner No. 2 but she has

refused and now she cannot make the same claim again after refusing the said offer initially particularly when she had also refused the offer of appointment.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It is a conceded fact that keeping in view the date of the death of the father of petitioner No. 1 and the ex- gratia policy in operation at the time when the father of the petitioner No. 1 and the husband of petitioner No. 2 had unfortunately died on 19.09.1997, petitioners could claim compassionate appointment or ex gratia financial assistance but the petitioners had chosen to claim the compassionate appointment for petitioner No. 1. Once, the said compassionate appointment has not been extended to the petitioners, the second relief of ex gratia financial assistance cannot be denied to the petitioners.

7. It has been conceded before this Court that the grant of ex-gratia financial assistance to the petitioners has already been approved and the same was offered to petitioner No. 2 which was not accepted by the petitioner No. 2 on the ground that at that time they were pressing their claim for the grant of compassionate appointment. Now once, they are not pressing the claim for the compassionate appointment, the relief which has already been approved qua the grant of ex-gratia financial assistance cannot be denied on the ground that the same was refused initially by the petitioners.

8. Keeping in view above, the claim of petitioners qua the grant of the ex-gratia financial assistance is allowed, hence, admissibility of the same goes in disputed.

9. The sum of ex-gratia financial assistance already approved by the respondents which was offered to petitioner No. 2 i.e. the wife of the

deceased employee, be released in favour of petitioner No. 2 within a period of two months from the receipt of certified copy of this order.

10. Present petition stands disposed of in above terms.

(HARSIMRAN SINGH SETHI)  
JUDGE

**14.12.2023**

*Riya*

*Whether speaking/reasoned: Yes/No*

*Whether Reportable: Yes/No*