

231-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24030-2017
Date of decision: 12.01.2023

SURAJ ALIAS NITESH

...Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jagdish Manchanda, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Anand Bhardwaj, Advocate
for respondents No.2 and 3.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of certiorari for quashing order dated 22.08.2017 (Annexure P-7), whereby the claim of the petitioner for appointment on compassionate ground on the death of his uncle Sita Ram, has been declined.

In brief, the facts as culled out are that Prabhudial son of Kanhiyalal, who was working in sugar mill expired on 23.08.1990. At that relevant time, the deceased Prabhudial had five children, who were all minor on the said relevant date. The present petitioner, who has approached this Court seeking appointment on compassionate ground was only five months old on 05.03.1991. Sita Ram i.e. the brother of deceased Prabhudial, was appointed

with the Sugar Mill, Sonapat on 07.11.1991 on compassionate ground. He continued to work in the Sugar Mill till 23.01.2016. The petitioner herein, who remained under the care of Sita Ram approached the Sugar Mill for appointment on compassionate ground, which stands declined by the impugned order.

Learned counsel for the petitioner would submit that the petitioner herein was a minor on the date when his father Prabhudial, who was the actual employee of the Sugar Mill expired and, therefore, he could not have been appointed and it was his uncle Sita Ram, who came to be appointed and now since Sita Ram himself has expired, the appointment on compassionate ground should be given to him.

Notice of motion was issued as far back as on 25.10.2017 and appearance has been caused on behalf of the respondents.

Learned counsel for respondents No.2 and 3 would argue that the petitioner herein is nephew of deceased Sita Ram and, therefore, does not fall under the definition of family of the deceased employee. The term family stands defined under Rule 3(g) of the Haryana Compassionate Assistance to the dependants of deceased Co-operative Sugar Mills Employees Rules, 2005. It is submitted that even otherwise, Sita Ram had attained the age of more than 55 years and as per the rules, a deceased employee could not have crossed the age of 55 years.

I have heard learned counsel for the parties and have perused the pleadings of the case as well as the rule as relied upon.

Admittedly, the petitioner herein is seeking appointment in Sugar Mill on compassionate ground on account of death of his uncle Sita Ram. The

petitioner, who is a nephew of Sita Ram does not fall within the definition of family as specified under Rule 3(g) of the Haryana Compassionate Assistance to the dependants of deceased Co-operative Sugar Mills Employees Rules, 2005. Moreover, since Sita Ram had already crossed the age of 55 years and there is an embargo on offering appointment to any family member of the deceased who had crossed the age of 55 years, the petitioner herein would not be entitled to any such appointment.

Consequently, the instant writ petition is hereby dismissed.

12.01.2023
Chetan Thakur

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No