

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(107)

CWP-27475-2022 (O&M)
Date of decision : 16.01.2023

Himanshu

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. R.K.Bagga, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

CM-498-CWP-2023

Application is allowed as prayed for.

Annexures P-10 and P-11 are taken on record.

CWP-27475-2022

Petitioner has approached this Court under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to appoint him on compassionate grounds in place of his deceased father.

Counsel for the petitioner submits that Shri Ashok Kumar, father of the petitioner, was serving as a multi purpose health worker on regular basis in the Health Services Department (Malaria) and went missing on 09.07.2002. It is his case that the petitioner was 4½ years of age at that time. Counsel submits that although vide letter dated 31.07.2009, Annexure P-3, the Director General, Health Services, Haryana, Panchkula, accorded sanction for financial assistance to his mother, who has also unfortunately expired, but nothing was paid. He has made a reference to affidavit dated 09.01.2023, Annexure P-10, filed by the petitioner, to submit that in the

meanwhile judgment and decree dated 17.05.2022 has been passed by Additional Civil Judge (Senior Division), Panipat, on 17.05.2022, Annexure P-11, declaring that petitioner's father is legally presumed to be a dead person. Counsel submits that on attaining majority and after acquiring the requisite qualification, petitioner submitted application, Annexure P-8, in July 2021, requested the respondent authorities to appoint him on compassionate basis. Counsel submits that the application is pending and the petitioner would be satisfied in case a direction is issued to the respondents to look into the same.

Notice of motion.

On asking of the Court, Mr. Pankaj Middha, Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Given the nature of order being passed, this Court does not deem it necessary to call for a response from the respondent.

Considering that petitioner's representation is pending, but without examining the claim of the petitioner raised in this petition or in the representation, writ petition is disposed of with a direction to respondent No.3 to examine the representation, Annexure P-8, within a period of 4 months from the date of communication of copy of this order.

In case, respondent No.3 finds that the claim of the petitioner cannot be acceded to, a speaking order be passed giving reasons for rejection.

(SUVIR SEHGAL)
JUDGE

16.01.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No