

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(109)

CWP-29223-2022

Date of decision : 12.04.2023

Kamal Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. K.B.Sidhu, Advocate
for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant exgratia employment to the petitioner on account of death of his father.

Counsel for the petitioner submits that the father of the petitioner, who was employed as Exemplary Head Constable (EHC) on regular basis with the Police Department passed away on 15.12.2021. Despite request and submissions of representation, respondents did not grant any benefit to the petitioner under the Haryana Civil Services (Compassionate Financial

Assistance or Appointment) Rules, 2019 (for short “the 2019 Rules”). By making a reference to the written statement filed by the respondents, State counsel submits that the deceased’s family has been granted financial assistance. His widow is getting monthly compassionate financial assistance in terms of Rule 6 of the 2019 Rules from 16.12.2021, which she will draw till 31.07.2023 i.e. the date of retirement of the deceased. It has further been submitted that in terms of Rule 4 (1) of the 2019 Rules, petitioner is not entitled to appointment on compassionate basis.

I have considered submissions made by the counsel for the parties.

Rule 4 (1) of the 2019 Rules, which is relevant for the purpose of adjudication of the instant petition is reproduced as under:-

“4. (1) The family member shall be eligible for consideration of compassionate appointment under these rules subject to the condition that the deceased or missing Government employee should, -

- (i) have completed five years service on regular basis;*
- (ii) have not attained the age of fifty-two years or more upto the date of death or missing; and*
- (iii) not be suspected to have committed fraud or joined any terrorist organization or gone abroad.*

Explanation - Five years service includes the period of all kinds of leave sanctioned by the competent authority and availed by the deceased or missing Government employee while working on regular basis.”

It is evident from the above reproduced Rule that the claim for compassionate appointment can be raised by the family members of the deceased in case the deceased bread earner was less than 52 years of age. Concededly, petitioner’s father was 56 years of age at the time of death. Therefore, petitioner is debarred from staking claim for appointment on compassionate basis.

Petition being bereft of merit is hereby dismissed.

(SUVIR SEHGAL)
JUDGE

12.04.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes