

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

228

CWP-34668-2019

Date of Decision :-14.12.2023

Sangita Joshva

..Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioner is for setting aside the order dated 17.08.2017 (Annexure P/10) by which, claim of the petitioner for the grant of exgratia financial assistance has been rejected by the respondents.

2. As per the averments made in the petition, mother of the petitioner was serving the respondent-department on the post of Multi Purpose Health Worker (female) had unfortunately died while in service on 23.12.1993 and at that point of time, the petitioner was a minor. Father of the petitioner filed an application seeking grant of benefit of compassionate appointment to the petitioner after she attained the age of majority but unfortunately, father of the petitioner also died in the year 2001. The petitioner, who is orphan, was looked after by his maternal uncle. The claim of the petitioner in the present petition is for the grant of benefit of exgratia financial assistance keeping in view the Exgratia Financial Assistance Scheme, which was applicable to be granted to the family of the deceased

employee, at the time of the death of the mother of the petitioner, which claim has been rejected by the respondents vide impugned order dated 17.08.2017 (Annexure P-10) on the ground that no such request was made by the petitioner within a period of three years of the death of the mother of the petitioner and now at this belated stage, the said request cannot be entertained. The said order is under challenge in the present petition.

3. Upon notice of motion, respondents have filed reply reiterating their stand that though, after the death of the mother of the petitioner, the family of the deceased was entitled for the benefit of exgratia financial assistance but as the claim was not raised within a period of three years from the death of the mother of the petitioner, no benefit can be extended to the petitioner at this belated stage.

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

5. It is a conceded fact that at the time of death of the mother of the petitioner, the petitioner was nine years old, a minor, who cannot be blamed for not raising the claim for the grant of exgratia financial assistance within a period of three years. Immediately after the death of the mother of the petitioner, father of the petitioner raised a claim for the grant of compassionate appointment to the petitioner after she attains the age of majority but unfortunately, the father of the petitioner also died before the said application could be entertained and decided.

6. In the facts and circumstances of the present case, where the petitioner was a minor at the time of death of her mother and her father had raised the claim for her for grant of compassionate appointment after she attains the age of majority, the respondents cannot deny the benefit of

exgratia financial assistance as admissible to the petitioner keeping in view the Exgratia Financial Assistance Scheme, which was in operation at the time of the death of the mother of the petitioner i.e in December, 1993.

7. It is a conceded position that family of the deceased employee was entitled to claim compassionate appointment or exgratia financial assistance and in the present case, claim for compassionate appointment was raised by the father of the petitioner qua petitioner but same was not accepted by the department hence, petitioner should have been allowed the alternative relief of exgratia financial assistance by the department on their own.

8. While passing the impugned order, the respondents have not considered the facts, which have been noticed hereinbefore including the fact that the petitioner was a minor at the time of death of her mother and did not attain the age of majority within a period of three months from the date of death of her mother and upon attaining the age of majority claim for exgratia was raised.

9. Keeping in view the facts and circumstances recorded hereinbefore, impugned order dated 17.08.2017 (Annexure P/10) is set aside. Respondents are directed to grant the benefit of exgratia financial assistance to the petitioner as admissible to her keeping in view the Exgratia Financial Assistance Scheme, which was in operation at the time of death of the mother of the petitioner i.e. December, 1993, within a period of two months from the date of receipt of copy of this order.

December 14, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No