



CM-1328-CWP-2024 in/&
CWP-8522-2021 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

230+106 CM-1328-CWP-2024 in/&
CWP-8522-2021 (O&M)
Date of Decision :23.05.2024

Darshana Devi and another ...Petitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.K. Sharma, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-1328-CWP-2024

As prayed for, application is allowed.

Replication to the written statement filed on behalf of
respondents is taken on record.

CWP-8522-2021

In the present petition, grievance being raised by the petitioners
is that petitioner No.2 is entitled for the grant of benefit of compassionate
appointment after the death of his father namely, Swaran Kumar, which
benefit is not being extended to the petitioners by the respondents in a
totally illegal and arbitrary manner though, the petitioners are entitled for the



CM-1328-CWP-2024 in/&
CWP-8522-2021 (O&M)

-2-

grant of said benefit of compassionate appointment under Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019 (hereinafter referred to as '2019 Rules')

Learned counsel for the petitioners submits that father of the petitioner No.2, who was working in police department, Haryana unfortunately died on 07.03.2016 and thereafter, the petitioners raised the claim for the grant of benefit of financial assistance, which benefit was granted to them but now keeping in view the 2019 Rules, even the benefit of compassionate appointment is admissible to the dependents of the deceased employee hence, the petitioner No.1, who is a mother of petitioner No.2 intends to get the benefit of compassionate appointment for petitioner No.2 and prays that the respondents be directed to consider the claim of the petitioner No.2 for the grant of benefit of compassionate appointment under the 2019 Rules.

Upon notice of motion, the respondents have filed reply wherein, the respondents have stated that the claim of the petitioners for the grant of benefit of compassionate appointment under 2019 Rules is misplaced.

Learned counsel for the respondents submits that at the time when the father of the petitioner No.2 died, Compassionate Assistance to Dependents of the Deceased Government Employee Rules, 2006 (hereinafter referred to as '2006 Rules') were in operation, according to which rules, only the benefit of financial assistance is admissible and the



said benefit of financial assistance had already been released to the petitioners in the year 2016 itself. Hence, no claim for the grant of compassionate appointment after the promulgation of 2019 Rules survives qua the petitioners, therefore, no grievance can be raised by the petitioners for the non-grant of the said benefit under the 2019 Rules.

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

It is a settled principle of law that the rules which were in operation at the time of death of an employee are to be taken into consideration for deciding as to for which benefit, the dependents of the deceased employee are entitled for. Concededly, when the father of the petitioner No.2 died, 2006 Rules were in operation and according to 2006 Rules, there was no benefit of compassionate appointment available and only the benefit of financial assistance was available, which benefit has already been given to the petitioners in the year 2016 itself. Once, the benefit of financial assistance has already been extended to the petitioners, right to claim any other benefit stands extinguished hence, no grievance can be raised by the petitioners.

Even otherwise, claim raised by the petitioners under 2019 Rules is misplaced. Under the 2019 Rules, it has only been mentioned that in case, benefit of financial assistance admissible under the Rules prior to promulgation of 2019 Rules has not been extended up to the date of promulgation of the 2019 Rules, only then, an option is to be given to the



CM-1328-CWP-2024 in/& -4-
CWP-8522-2021 (O&M)

family of the deceased employee to either opt for the grant of benefit of compassionate appointment or financial assistance.

In the present case, the benefit of financial assistance has already been given to the petitioner under the 2006 Rules, which were in operation before the promulgation of 2019 Rules and, hence, claim being raised by the petitioners under 2019 Rules is misplaced.

Keeping in view the facts and circumstances of the present case, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

Civil miscellaneous application pending, if any is also disposed of.

May 23, 2024 (HARSIMRAN SINGH SETHI)
aarti JUDGE

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