



CWP-10967-2021

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

(233)

CWP-10967-2021

Date of Decision : May 20, 2024

**Rajan Bhutani****.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Kanish Jindal, Advocate, for  
Mr. Arihant Jain, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 01.01.2021 (Annexure P-9) by which, the claim of the petitioner for the grant of compassionate appointment has been rejected.

2. Learned counsel for the petitioner submits that father of the petitioner namely Surender Kumar, who was working as a Peon with the respondents, unfortunately died while in service on 22.05.2020. Thereafter, keeping in view the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019 wherein, the dependent of the deceased employee was entitled for the grant of compassionate appointment, the mother of the petitioner raised a claim for compassionate appointment of her son but the said claim has wrongly been rejected by the

respondents on the ground that that the petitioner is claiming higher post



than the one occupied by the late employee namely Surender Kumar i.e. father of the petitioner.

3. Learned counsel for the petitioner submits that the petitioner only claimed the benefit of compassionate appointment to the post of Peon which is class IV post and as per the Haryana Civil Services (Compassionate Financial Assistantce or Appointment) Rules, 2019, class III and class IV post can be offered to the family of the deceased employee and hence, the petitioner is entitled for the grant of compassionate appointment against the post of Peon.

4. Learned counsel for the respondents submits that in District Rural Development Authority, where the father of the petitioner was working, no ex-gratia employment can be made and even otherwise, no post of Peon is lying vacant in DRDA.

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

6. A bare perusal of the impugned order dated 01.01.2021 (Annexure P-9) would show that the claim of the petitioner was only rejected on the ground that the petitioner is demanding a higher post than the one being occupied by his father. The petitioner submits that the said claim was never raised as the petitioner is satisfied with regard to the grant of compassionate appointment on the post of Peon also. Once, the petitioner is satisfied for consideration of his claim for compassionate appointment to the post of Peon, the respondents are under an obligation to consider the same and pass appropriate order.

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7. Further, it cannot be said that for the employees working in DRDA, their family are not entitled for the benefit of compassionate appointment. Nothing has been shown to this Court that 2019 Rules are not applicable upon the institution where the father of the petitioner was working.

8. With regard to the averment that there is no post vacant in District Rural Development Authority, it may be noticed that the claim of the petitioner is liable to be considered and be kept pending till the post is available subject to fulfillment of 2019 Rules. Hence, the impugned order dated 01.01.2021 (Annexure P-9) is set aside. Respondents are directed to re-consider the claim of the petitioner for the grant of compassionate appointment against the post of Peon and pass appropriate order in light of all the facts i.e. fulfillment of eligibility conditions as envisaged under 2019 Rules as well as the availability of the post in question. Let the fresh order be passed within a period of eight weeks of the receipt of copy of this order.

9. The present writ petition is allowed in above terms.

**May 20, 2024**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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