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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15364-2023 (O&M)
Date of decision: 23.09.2024

Kailasho Devi

...Petitioner

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. J.B. Sharma, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate, for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to consider the case of the son of the petitioner for compassionate appointment with a further prayer to direct the respondents to pay monetary benefits amounting to Rs. 2,50,000/- to the petitioner in accordance with Notification dated 01.02.2007 (Annexure P-3).

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is a widow of one Amar Singh who had died while in service on 21.05.2002 from the respondent-Corporation i.e. Haryana State Minor Irrigation and Tubewell Corporation and thereafter neither the petitioner nor the son of the petitioner has been granted any compassionate appointment



or financial assistance and therefore, a direction may be issued to the respondent-Corporation that either compassionate appointment be granted to the son of the petitioner or financial assistance be granted to the petitioner. He also referred to Annexure P-3 which is a Notification issued by the Government of Haryana for the purpose of granting of financial assistance to the families of the retrenched employees etc. and submitted that in view of the aforesaid Notification, the petitioner is entitled for an amount of Rs. 2,50,000/-

3. On the other hand, learned counsel appearing on behalf of the respondent-Corporation submitted that the present petition is not only unsustainable but also not maintainable. He submitted that firstly so far as the prayer of the petitioner for grant of compassionate appointment is concerned, the respondent-Corporation has already been closed w.e.f 31.07.2002 after seeking permission from the appropriate Government under Section 25-O of the Industrial Disputes Act, 1947 and its employees were retrenched/terminated and all the field offices were closed w.e.f. 31.07.2002, whereas the husband of the present petitioner had died before the aforesaid date. He also submitted that there can be no appointment even on compassionate basis in a closed Corporation. Secondly, he submitted that even otherwise also the son of the petitioner for whom the petitioner is seeking compassionate appointment had filed a writ petition before this Court in CWP No.21451 of 2008 which was decided by a Division Bench of this Court vide Annexure P-6 in which a direction was issued to the respondent-Corporation to take cognizance of the representation and decide the same expeditiously and in pursuance thereof, the respondent-Corporation had passed a detailed order vide Annexure R-2/7 dated 16.03.2009 by giving the entire details that the Corporation itself has been



closed and rejected the claim of the son of the petitioner. He submitted that once the aforesaid order has been passed in pursuance of the order passed by a Division Bench of this Court, the same has attained finality and the petitioner in the present case has not even challenged the aforesaid order and the petitioner being mother of the aforesaid Sanjeev Kumar is representing her son only and is seeking compassionate appointment for him and in the absence of the challenge to the aforesaid order Annexure R-2/7, the present petition is not even maintainable.

4. Learned counsel for the respondent-Corporation submitted that so far as the prayer of the petitioner for the grant of financial assistance is concerned, the Corporation itself has been closed on 31.07.2002 and the learned counsel for the petitioner has referred to Notification (Annexure P-3) of the year 2007 which was not even adopted by the respondent-Corporation because it was not in existence and therefore, the same also did not apply and more particularly when the husband of the petitioner had died much before that i.e on 21.05.2002 and therefore, the prayer for the petitioner for the grant of financial assistance will not survive at all and no assistance can be provided by a closed Corporation.

5. I have heard the learned counsel for the parties.

6. It is a case where earlier the son of the petitioner had filed a writ petition which was disposed of by a Division Bench of this Court vide Annexure P-6 with a direction to the respondent-Corporation to pass an order on the representation of the petitioner to which vide Annexure R-2/7 an order was passed by the respondent-Corporation and the same has not been challenged in the present petition. So far as the present prayer of the petitioner for the grant of compassionate appointment is concerned, the same is not only



not maintainable but also unsustainable as well. So far as the second alternative prayer made by the petitioner for the grant of financial assistance is concerned, the Corporation itself has been closed in the year 2002 and learned counsel for the petitioner has relied upon some Notification of the Government of the year 2007 wherein the Corporation had neither adopted nor could have adopted the aforesaid Notification of the Government because the Corporation stands closed in the year 2002. Apart from the above, even otherwise also such a prayer against a closed Corporation itself is not maintainable.

7. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present petition is devoid of any merit and the same is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

23.09.2024
rakesh

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