

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CWP No. 10499 of 2017
Date of Decision : 23.01.2024

Malkiat Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Narinder Singh Dhillon, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that after the death of the father of the petitioner in the year 1994, neither the compassionate appointment nor the ex-gratia financial assistance as admissible under the Rules, which were applicable at the time of death of the father of the petitioner, have been paid, which act on the part of the respondents is totally arbitrary and illegal.

2. As per the averments made in the petition, the father of the petitioner, who was serving in the Haryana Police, unfortunately died on 23.03.1994. The petitioner was minor at that time. The mother of the petitioner gave in writing that as and when the petitioner would attain the age of majority, his claim for compassionate appointment be considered.

Ultimately, the said plea for the grant of compassionate appointment

never got materialized. Therefore, the petitioner filed the present petition claiming the benefit of ex-gratia and compassionate appointment.

3. A Co-ordinate Bench of this Court while issuing notice of motion on 16.05.2017 recorded that the petitioner will not claim the benefit of compassionate appointment keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in Civil Appeal No. 251 of 2017 titled as *Union of India and others Vs. Sima Banerjee*, decided on 10.01.2017 but his claim for ex-gratia financial assistance will be considered.

4. Learned counsel for the respondents does not raise any objection for considering and making payment of the ex-gratia financial assistance as applicable to the legal heirs of the deceased employee, who died in the year 1994 keeping in view the Policy, which existed at the time of death of employee.

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

6. Qua the grant of ex-gratia compassionate appointment, the same has already been given up by the petitioner, which is clear from the order of notice of motion dated 16.05.2017 passed by the Co-ordinate Bench of this Court. Qua the grant of ex-gratia financial assistance, no objection has been raised by the learned counsel for the respondents but submits that ex-gratia financial assistance as available under the Policy, which was applicable in the year 1994 at the time of the death of the

father of the petitioner, will be considered and will be paid to the petitioner.

7. That being the stand of the respondent-State. Hence, the present petition is disposed of with a direction to the respondents to consider the claim of the petitioner for the release of the ex-gratia financial assistance as admissible to him keeping in view the Policy, which was applicable at the time of the death of the father and release the same within a period of eight weeks from the date of the receipt of copy of this order.

8. Petition is disposed of in above terms.

January 23rd 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No