



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.120

LPA-1545-2024 (O&M)

Date of decision : 18.11.2024

Yaman Yadav

..... Appellant

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
 HON'BLE MR. JUSTICE DEEPAK GUPTA

Present : Mr.S.K.Goyat, Advocate, for the appellant.

* * * * *

DEEPAK SIBAL, J. (Oral)

1. The present intra court appeal is directed against the judgment dated 16.05.2024 passed by a learned Single Judge of this Court dismissing the appellant's writ petition through which he had challenged the order dated 12.08.2016 passed by the State of Haryana rejecting his claim for appointment on compassionate basis.
2. A few relevant facts may be noticed.
3. The appellant's father-Prem Kumar was serving the Haryana Police as a Constable. Unfortunately, Prem Kumar and his wife both expired on the same day i.e. 01.07.2005 rendering the appellant an orphan. In the year 2006 the appellant's grandfather, with whom the appellant was residing, made an application seeking financial assistance in terms of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2003 (for short, 2003 Rules). In the meanwhile, the appellant's grandfather also applied to the competent civil court at Karnal to appoint him as the appellant's legal guardian which application of his was allowed on 17.12.2007 by the Civil Judge (Senior Division) Karnal. It is only thereafter that the State, in terms of the 2003 Rules,



released ex-gratia financial assistance to the appellant's legal guardian i.e. his grandfather. The appellant was then raised by his grandfather and on 28.12.2015 he attained majority. On 04.07.2016 the appellant applied to the respondents seeking appointment on compassionate basis in terms of the 2003 Rules. Through order dated 12.08.2016 the appellant's claim was rejected which was challenged by him before this Court through a petition filed in July, 2022. Through the impugned judgment a learned Single Judge of this Court dismissed the appellant's claim.

4. Learned counsel for the appellant has been heard.

5. The appellant's father served the Haryana Police as a Constable. Both his parents died on 01.07.2005. Thereafter, on an application made by the appellant's grandfather, through order dated 17.12.2007, passed by the Civil Judge, (Senior Division) Karnal, the appellant's grandfather was appointed as the appellant's legal guardian and it is only thereafter that, in terms of the 2003 Rules, in the year 2008, the State released ex-gratia amount of Rs.2.50 lakhs to the appellant through his grandfather/legal guardian.

6. Neither any record was placed before the learned Single Judge nor before us which would show that the amount so received by the appellant's grandfather was not used for the appellant's upbringing. Once the ex-gratia financial assistance, in terms of the applicable policy, has been accepted on behalf of the appellant through his legally appointed guardian (his grandfather), no claim for appointing the appellant on compassionate basis, on his attaining majority, could be entertained as it is the admitted position that under the applicable policy either appointment on compassionate basis or ex-gratia financial assistance could be claimed on the death of a government employee in harness.

7. In the light of the above discussion and because the appellant



approached this Court after an unexplained delay of about six years which is fatal *qua* a claim for being appointed on compassionate basis, we do not find any reason to interfere with the impugned judgment.

8. Dismissed.
9. Pending miscellaneous application(s), if any, also stand disposed of.

[DEEPAK SIBAL]
JUDGE

18.11.2024
shamsher

[DEEPAK GUPTA]
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No