



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

247

CWP No. 17065 of 2022 (O&M)

DECIDED ON: 20th May, 2024

Amar Kumar

.....PETITIONER

VERSUS

The State of Haryana and another

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohit Rathee, Advocate and
Mr. Rishabh Chaudhary, Advocate for petitioner.

Mr. Pankaj Midha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J (ORAL)

In the present petition, the grievance being raised by the petitioner is that father of the petitioner, who was working with State of Haryana, unfortunately died while in service on 16.03.2001 and the petitioner claimed the benefit of compassionate appointment but the said benefit has not been granted by the respondents.

2. Learned counsel for the petitioner submits that even the financial assistance which is admissible to the petitioner keeping in view the rule governing the service at the time of death of his father has also not been extended to the petitioner, hence the petitioner will only press the present petition for the grant of ex-gratia amount which the petitioner is entitled for after the death of his father.

3. Learned State counsel for the respondents on the other hand submits that father of the petitioner died in the year 2001 but the claim of financial assistance is being raised now which should be declared as time

barred and the said claim be rejected.



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

5. It is conceded position that keeping in view the rules governing the aspect of compassionate financial assistance, at the time of death of the father of the petitioner, the petitioner could have got the compassionate appointment or financial assistance but as of now the situation is such that neither of the benefit has been extended to the petitioner. For compassionate appointment, the petitioner is being declared ineligible and the claim for financial assistance is being declined by the respondents on the ground that the same is time barred. The one of the benefit admissible has to be extended to the dependant of the deceased. In case, the petitioner is not held entitled for grant of compassionate appointment, the financial assistance admissible under ex-gratia scheme has to be released to the claimants of the family of deceased.

6. Hence, the petitioner is held entitled for the grant of release of ex-gratia financial benefits as admissible to the family of the deceased employee keeping in view the policy which was applicable at the time of death of the father of the petitioner in the year 2001 and the same be released in accordance with law as per the succession certificate already submitted.

7. Let the order be complied with within a period of eight weeks on receipt of copy of this order.

8. Present petition is disposed of as above.

(**HARSIMRAN SINGH SETHI**)
JUDGE

20th May, 2024
reema

Whether speaking/reasoned ☒ Yes
Whether reportable ☒ Yes