



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CWP-18072-2020 (O&M)

Decided on :14.05.2024

RATTAN SINGH

. .petitioner

Versus

STATE OF HARYANA & OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Ms. Jai Shree Kaushik, Advocate for

Mr. Ajay Chaudhary, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the claim of the petitioner is that the petitioner should be granted the benefit of compassionate appointment as per terms of the Haryana Civil Services Rules, 2019, notified 02.08.2019 (Annexure P-5) according to which, after the death of the father of the petitioner namely, Tirloki, the benefit of the compassionate appointment is also admissible to the petitioner.

2. Learned counsel for the petitioner submits that the father of the petitioner, namely, Tirloki, was working with the respondents-department as a daily wage labourer and had unfortunately died due to illness while in service on 27.12.2017. At that relevant time, only the benefit of the compassionate financial assistance was opted by the family of the Tirloki (since deceased) and the said benefit was granted to the family of the late Tirloki on 18.10.2019 but the petitioner never knew the information regarding instructions dated 02.08.2019 (Annexure P-5) according to which, in case, the compassionate financial assistance has not been paid to the petitioner upto the date promulgation of 2019 Rules then the petitioner can also claim the benefit of compassionate appointment hence, the petitioner be allowed to change his option from compassionate financial assistance to



2

compassionate appointment under the policy dated 02.08.2019 (Annexure P-5).

3.

Learned counsel for the respondents on the other hand submits that once the petitioner has already exercise the option of compassionate financial assistance which was allowed to him on 18.10.2019 and the petitioner has been receiving the said benefit as of now, the said benefits can not be allowed to change his category to compassionate appointment under the policy dated 02.08.2019 (Annexure P-5) as the same as of now, cannot be substituted with the compassionate appointment.

4.

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

5.

The compassionate appointment as well as compassionate financial assistance is only granted to see that the family of the deceased employee does not suffer any financial disability after the death of the employee concerned.

6.

The compassionate appointment is not a source of appointment. In the present case, after the death of the employee concerned, the compassionate financial assistance which was available under the Rules governing the service at the relevant time had already been claimed by the wife of Tirloki (since deceased) and ultimately, the said benefits have already been released to the mother of the petitioner and she still continues to get the said benefit. Once, the mother of the petitioner is getting the financial assistance, the compassionate appointment cannot be claimed by the petitioner as both benefits are not admissible to the family of the deceased employee.

7

The argument of the learned counsel for the petitioner is that at the time of claiming the benefit of compassionate financial assistance, the



3
mother of the petitioner was unknown about the 2019 Rules (Annexure P-5). The said argument will not make any difference once, the relief of compassionate financial assistance was claimed by the wife of the deceased and the said benefit was already allowed, there is no provision that the relief can be switched over.

8. At this stage, learned counsel for the petitioner submits that the petitioner had applied for the grant of benefit of compassionate appointment before receiving the benefit of the financial assistance hence, he is entitled for the compassionate appointment.

9. In case, the petitioner had applied for the grant of compassionate appointment immediately upon the issuance of the 2019 Rules (Annexure P-5), i.e. prior to the acceptance of the compassionate financial assistance by the mother of the petitioner, acceptance of the benefit of financial assistance, will mean that the claim raised by the petitioner for the grant of benefit of the compassionate appointment stood waived of and hence, the petitioner cannot claim the benefit of compassionate appointment once, the relief of compassionate financial assistance has already been accepted by the mother of the petitioner.

10 Hence, keeping in view the above facts and circumstances recorded herein above, no ground is made out for any interference by this Court in the present petition, hence, the present petition stands dismissed.

11. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

14.05.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No