



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CWP-20484-2021 (O&M)

Date of decision: 25.07.2024

Pinki Rani

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.R. Bansal, Advocate for the petitioner

Mr. Harish Rathee, Sr. DAG Haryana

AMAN CHAUDHARY. J. (ORAL)

1. The prayer in the present petition is for setting aside the order dated 31.08.2021 to the extent that the petitioner is not entitled to appointment on compassionate grounds.

2. Learned counsel submits that the husband of the petitioner had applied for the post of PTI (Physical Training Instructor) in Education Department, pursuant to the advertisement No. 6/2006 and joined on 05.05.2010, however, on the selection having been challenged, the same was set aside by this Court, which was affirmed by Hon'ble the Supreme Court too, wherein directions were issued to conduct fresh selection within a period of 5 months, as per the criteria notified on 28.12.2006 and those, who were selected, were also permitted to participate in the process. Her husband emerged successful again and was appointed on 20.10.2020 in the same school. Thereafter, her brother-in-law and mother-in-law both died due to Covid on 23.04.2021 and 27.04.2021 respectively and so did her husband on 05.07.2021. She has twin sons, who are handicapped as



per the Intellectual disability certificate dated 22.09.2021, Annexures P-9 and P-10.

3. This Court on 10.05.2022, passed the following interim order:

“It appears that claim of the widow-petitioner has been denied on the ground that when her husband died in harness, he had rendered only six and a half months of service and therefore, requirement of the relevant Rule being minimum 5 years of service for according benefit of compassionate appointment, is not met out. However, what has been given a complete short shrift is that prior thereto more than 10 years of service was rendered by the husband (deceased) of the petitioner in the same Department. Entire selection made earlier was though quashed under the orders of the Court, leading to fresh selection process second time, in which petitioner was again selected. Uncontroverted factual position which emerges is that the husband of the petitioner had indeed rendered more than 10 years of service. *Prima facie* the requirement of relevant Rule is thus met out.

Let an affidavit be filed by the competent authority stating as to why the petitioner is not being given the benefit of compassionate appointment as per the applicable policy. In the affidavit, it be also made clear as to why the petitioner has been denied the benefit of financial assistance of Rs.5 lakh as per applicable policy owing to untimely death of her husband caused by CORONA virus during the recent pandemic.

Post it on 20.07.2022.”

4. It is contended that the case of the petitioner for compassionate appointment was rejected by passing a non-speaking order on 31.08.2021, Annexure P-8 and the monthly financial assistance was not acceptable to her, in view of the peculiar family circumstances narrated above. She is also entitled to Rs.5 lacs due to her husband having died due to Covid but the same has also not been released, for the reason that she had never applied for, which is incorrect, as she applied twice over i.e. on 26.10.2023 and 10.07.2024, during pendency of the present petition, however, no decision with regard to the same has also taken. He thus, at this stage, on instructions from the petitioner prays that a direction is given



to the respondents to consider her claim in a time bound manner by granting her an opportunity of hearing.

5. Learned State counsel despite his best efforts was unable to controvert the aforesaid facts and submits that the respondents would not be averse to have a relook at the matter.

6. It is well settled law that the authorities are under a legal obligation to give reasons while passing an order, which are the essence and virtually a part of the due process. Such orders that affect the rights of a party, must speak and should not depict having been passed on whims and fancies, or as a result of caprice.

7. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to reconsider the claim of the petitioner sympathetically with regard to the compassionate appointment as also the amount of Rs.5 lacs within a period of 6 months, in accordance with law. Upon doing so, after notice and hearing offered to her and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to her interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

25.07.2024
M.Kamra

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