

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

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CWP-24146-2017

Date of Decision :30.01.2024

Madan Lal

...Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vikram Singh, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, claim of the petitioner is for the grant of benefit of compassionate appointment after the death of the father of the petitioner on 11.11.2001, who was working with the respondent-department as Baldar, which benefit has been denied by the respondents vide order dated 29.07.2015 (Annexure P/9).

2. As per the averments made in the petition, after the death of the father of the petitioner, a claim was raised by the petitioner on 11.12.2001 for the grant of benefit of compassionate appointment but the said benefit was not given to the petitioner and ultimately a writ petition being CWP-13324-2008 was filed by the petitioner for directing the respondents to consider the claim of the petitioner for the grant of compassionate appointment in accordance with law. The respondents passed order dated 29.07.2015 (Annexure P/9) rejecting the claim of the petitioner for the grant of compassionate appointment and the order is under challenge in the present petition.

3. Learned counsel for the petitioner argues that the petitioner was

eligible for the grant of benefit of compassionate appointment after the death of his father, which benefit has not been extended to him whereas, a similar benefit has been extended to the dependent of one Balkirat Singh, who was working as head clerk with the respondents as his son has been given appointment on compassionate ground hence, the petitioner is also entitled for the grant of benefit of compassionate appointment.

4. The respondents have contested the claim of the petitioner and submitted that the claim of the petitioner was considered for the grant of compassionate appointment but as there was no post available to accommodate the petitioner keeping in view the pending claims of the persons, who were also seeking benefit of compassionate appointment and had preference over the claim of the petitioner being higher in the waiting list, the petitioner could not be granted the said benefit. As per the respondents, no one who was lower in waiting list than the petitioner has been granted benefit of compassionate appointment.

5. Learned counsel for the respondents further submits that even otherwise, either benefit of compassionate appointment or compassionate financial assistance was available to the petitioner and the benefit of compassionate financial assistance to the tune of Rs.2,50,000/- in terms of the policy, which was in operation at the time of the death of the father of the petitioner, has already been extended to the petitioner, which benefit was accepted by the petitioner hence, claim of the petitioner for the grant of compassionate appointment does not survive.

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

7. It may be noticed that benefit of grant of compassionate

appointment is not a source of appointment but is to be given so that the family of the deceased employee does not suffer financial constraints. It has already come on record that no one who was lower in waiting list than the petitioner has been granted benefit of compassionate appointment by the respondents and the petitioner could not be granted the said benefit as no post was available to accommodate him, which fact has gone unrebutted by the petitioner.

8. Qua the argument of the learned counsel for the petitioner that legal heir of one Balkirat Singh was given benefit of compassionate appointment, it has already come on record that the death of said Balkirat Singh was prior given point of time as compared to the father of the petitioner and legal heir of said Balkirat Singh was above in waiting list as compared to the petitioner. That being the factual position, no grievance can be raised by the petitioner.

9. Even otherwise, either benefit of compassionate financial assistance or compassionate appointment is available to the legal heir of the deceased employee and in the present case, the benefit of compassionate financial assistance to the tune of Rs.2,50,000/- has already been extended in favour of the petitioner, which benefit has already been accepted by the petitioner hence, no grievance can be raised by the petitioner.

10. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

January 30, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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