

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

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CWP-26918-2018

Date of Decision :31.01.2024

Megha**...Petitioner****Versus****State of Haryana and others****....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Nischal Chetnaya Manchanda, Advocate for
Mr. Jagdish Manchanda, 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 keeping in view the fact that father and mother of the petitioner both died on 03.05.1999 in an road accident on the same date while in service.

2. It may be noticed that both the parents of the petitioner were employees of the Government of Haryana and unfortunately died in an accident on the same date i.e. 03.05.1999. After the death of the parents of the petitioner, elder sister of the petitioner namely, Deepshikha was given benefit of compassionate appointment and she is working as LDC in ESIC, Delhi Region. Prayer of the petitioner is that as both mother and father of the petitioner died and both were Government employees working in department of Haryana, the petitioner is also entitled for the grant of benefit of compassionate appointment.

3. Learned counsel for the respondents submits that though, it is

very unfortunate to note that both the parents of the petitioner died on the same date but as per the exgratia scheme for the grant of compassionate appointment or financial compassionate assistance only one member of the family could be given appointment, which benefit of compasisoante appointment has already been given to the elder sister of the petitioner. Learned counsel for the respondents further submits that the petitioner has also been given benefit of exgratia financial assistance to the tune of Rs.2.5 lacs along with interest hence, no further claim can be raised by the petitioner.

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

5. While deciding the claim as raised by the petitioner, it is to be seen as to whether the same is supported by rules or instructions issued by the Government of Haryana or not. In the present petition, the claim raised by the petitioner is for the benefit of compassionate appointment on the ground that mother and father of the petitioner both were in service of the respondent-State and died while in service. Though, it is very unfortunate that both the parents of the petitioner died in an road accident on the same date but it is matter of fact that elder sister of the petitioner has already been given benefit of compassionate appointment and petitioner has been given benefit of compassionate financial assistance to the tune of Rs.2.5 lacs along with interest. That being the factual position, only one benefit of the two benefits i.e. compassionate appointment or compassionate financial assistance could have been extended to the petitioner and one benefit has already been extended in favour of the petitioner in the shape of compassionate financial assistance of Rs.2.5. lacs alongwith interest hence,

claim of the petitioner for the grant of benefit of compassionate appointment cannot be entertained.

6. Learned counsel for the petitioner has not been able to show as to under which scheme or rules, the petitioner is entitled for the grant of benefit of compassionate appointment as well once the elder sister of the petitioner has been given the said benefit especially when the petitioner has already accepted the benefit of compassionate financial assistance, then how come the claim for the grant of compassionate appointment arises.

7. In the absence of any rule or scheme cited before this Court by the learned counsel for the petitioner, claim raised by the petitioner for compassionate appointment keeping in view the facts and circumstances noticed hereinbefore, cannot be accepted.

8. Learned counsel for the petitioner submits that qua the grant of financial assistance the same has been paid @ Rs.2.5 lacs whereas, the same should have been @ Rs.5 lacs under the Haryana Compassionate Financial Assistance Rules, 2005.

9. It may be noticed that as per the settled principle of law settled by the Full Bench of this Court in **CWP-4303-2009 titled as Krishna Kumari vs. State of Haryana and others, decided on 20.04.2012**, the policy which exists at the time of the death of the deceased employee concerned, is to be taken into consideration for deciding the claim for compassionate appointment/compassionate financial assistance. It is a conceded position that in the present case, parents of the petitioner died in the year 1999 and as per the policy, which was in existence at the relevant point of time, compassionate financial assistance to the tune of Rs.2.5 lacs was available, which benefit has already been extended to the petitioner. Hence, the

argument of the learned counsel for the petitioner that petitioner has not been given benefit of compassionate appointment as per 2005 Rules is contrary to the settled principle of law settled in Krishna Kumari (supra).

10. Keeping in view the facts and circumstances noticed hereinbefore, coupled with the settled principle of law, claim of the petitioner as raised in the present petition, cannot be accepted and the writ petition is accordingly dismissed.

January 31, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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