

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

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CWP-21458-2020

Date of Decision :25.01.2024

Uganta Devi and another

...Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lajpat Rai Shrama, Advocate for
Mr. Vivek Khatri, Advocate for the petitioners.

Mr. Harish Rathee, Senior DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioners is for the grant of benefit of compassionate appointment to petitioner No.2 keeping in view the fact that the father of petitioner No.2, who was working in the police department, Haryana unfortunately died while in service on 16.09.2000.

2. Learned counsel for the petitioners submits that petitioner No.2 was 05 years of age at the relevant time hence, could not assert his claim for the grant of benefit of compassionate appointment at the time of death of his father and as now the petitioner No.2 has attained the age of majority, his claim is required to be considered for the grant of benefit of compassionate appointment under the relevant rules governing the service qua said aspect, which were applicable at the time of death of the father of petitioner No.2.

3. Upon notice of motion, respondents have filed reply wherein, it has been mentioned by the respondents that as neither wife nor son was

eligible for the grant of benefit of compassionate appointment whereas, benefit of compassionate financial assistance was given to the petitioner No.1 amounting to Rs.2,50,000/-, which was duly accepted by petitioner No.1 hence, claim of the legal heir of the deceased employee stands finalized qua the grant of compassionate assistance and, therefore, now after a period of 17 years, no such claim as raised by the petitioners in the present petition can be accepted.

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

5. It is a conceded position between the parties that after the death of an employee, who died while in service either compassionate appointment or compassionate financial assistance was available keeping in view the rules, which were in operation at the time when husband of petitioner No.1, who is father of petitioner No.2 died. As the respondents evaluated the claim of the petitioners, the petitioners were only found entitled for the grant of benefit of compassionate financial assistance, which was released in favour of the petitioner No.1 and once the said compassionate financial assistance was accepted by petitioner No.1, no further claim remains to be exhausted in view of the policy, which was in operation at the time of death of the deceased employee.

6. Argument of the learned counsel for the petitioner is that petitioner No.2 was minor at the relevant time, hence, grant of compassionate assistance was not acceptable to him, the same is of no consequence as once petitioner No.1, who is a mother, exercised her option to claim the benefit of compassionate financial assistance therefore, no further claim can be raised by petitioner No.2 on attaining the age of

majority, which is contrary to the relief already extended in favour of the petitioners.

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

January 25, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No