

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

CWP No.33750 of 2024 (O&M)  
Date of Decision: 13.12.2024

Ankit  
.....Petitioner  
  
Versus  
State of Haryana and others  
.....Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present:     Mr. Kapish Singla, Advocate  
                  for the petitioner.

\* \* \* \* \*

**DEEPAK MANCHANDA, J. (Oral)**

1.            The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus thereby directing the official respondents No.2 and 3 to appoint the petitioner in service on compassionate grounds in terms of scheme “The Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rules, 2003 and to consider and decide the legal notice dated 19.09.2024 (Annexure P-3), submitted by the petitioner.
2.            The facts in brief leading to the present petition are that the petitioner's father, namely, Sri Niwas, was working as a Constable and was posted in Jhajjar. However, unfortunately he met with an accident and died during service on 27.11.2003 and thereafter, petitioner's mother had given her option for service as a Class IV employee on 16.12.2003, which was sent to Director General of Police, Rohtak Range, Rohtak by the Superintendent of Police, Rohtak on 19.12.2003 (Annexure P-1). The



petitioner's mother had categorically denied the request for receiving Rs.2,50,000/- from the department and had requested to give job as per her qualification. The letter of denial was accepted by the department and direction was issued to appoint the mother of the present petitioner under Class-IV. The copy of the letter dated 02.01.2004 issued by the Superintendent of Police, Rohtak (Annexure P-2). After three years, she was given Rs.2,50,000/- on account of financial assistance stating that she is unable to get a job in place of her deceased husband.

3. Learned counsel for the petitioner submits that the petitioner cannot be deprived from the right of service in place of his deceased father, especially when he was only four years of age at the time of death of his father, therefore, his entitlement to receive job on compassionate ground still survives. He further submits that the petitioner sent a legal notice for job in place of his deceased father to respondent No.3 on 19.09.2024 (Annexure P-3) but the same has not been decided till date. He further submits that a direction be issued to respondent No.3 to decide the said legal notice in a time bound manner.

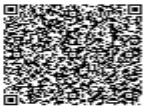
4. Heard.

5. The bare perusal of the pleadings would show that initially the mother of the petitioner, namely, Raj Bala was offered an appointment on compassionate ground vide letter dated 02.01.2004 as a Class IV employee under the policy applicable at that time being the dependent of the deceased-employee under the general category. Despite this fact, she did not get the said appointment and neither anything has been placed on record



justifying that in spite of the letter dated 02.01.2004 why the mother of the petitioner could not get appointment on compassionate grounds. Even thereafter, no effort was made for seeking appointment in reference to letter dated 02.01.2004 and learned counsel for the petitioner has submitted that since at that time the petitioner was minor and attained majority only in the year 2018 he could not verify the reasons and now in the year 2024 vide legal notice dated 19.09.2024 has requested for appointment on compassionate grounds. The pleadings reveals that the father of the petitioner died on 27.11.2003, thereafter, the mother of the petitioner moved an application for seeking appointment on compassionate grounds which was accepted and a letter dated 02.01.2004 was issued offering her the appointment and now at the gap of more than 21 years the petitioner has approached this Court through the present writ petition seeking compassionate appointment with an alternative prayer for issuance of directions for deciding legal notice dated 19.09.2024 (Annexure P-3) which seems to be unjustified and the present writ petition cannot be entertained, which has been filed after a gap of more than 21 years. Moreover, even for the sake of arguments, if the plea of learned counsel for the petitioner is accepted that the petitioner attained majority in the year 2018, still the legal notice dated 19.09.2024 was sent after a gap of more than 6 years where no explanation or justification has been given that why such effort was not made after attaining majority in the year 2018.

6. In the light of the above discussion, the present writ petition is devoid of merits and is hit by the principle of delay and laches where there



is a delay of more than 21 years for seeking appointment on compassionate grounds.

- 7. Consequently, the same is dismissed.
- 8. All pending miscellaneous application(s) also stand disposed of.

**13.12.2024**  
*sandeep*

**(DEEPAK MANCHANDA)**  
**JUDGE**

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No