

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

137

CWP-34777-2024

Date of Decision : 20.12.2024

KAMAL KUMAR

.... PETITIONER

V/S

STATE OF HARYANA AND OTHERS

.... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.Vivek Aggarwal, Advocate
for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 19.05.2023 (Annexure P-11) whereby respondent has rejected his claim for compassionate appointment.

2. Father of petitioner joined respondent-Uttar Haryana Bijli Vitran Nigam Ltd. as Peon. He passed away on 29.05.2004 while in harness. His wife applied to respondent for retiral/terminal dues of her deceased husband. The respondent released following benefits/claims to wife of the deceased:

1. Payment of leave encashment sanctioned vide O/o No.138 dated 08.07.2004 and Rs. 67,770/- released vide cheque No. 113282 dated 12.08.2004.

2. Gratuity Rs. 1,10,134/- vide GPO No. 2852/UHBVNL



dated 30.12.2004 vide cheque No. 133720 dated 27.01.2005.

3. Family Pension released vide PPO No. 2916/UHBVN dated 30.12.2004.

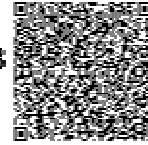
4. Ex-gratia grant for Rs. 25,000/- sanctioned vide O/o No. 275/M-292/EG-216 dated 03.05.2005 and released vide cheque No. 140411 dated 24.08.2004.

5. Final payment of GPF of Rs. 1,16,053/- released vide Cheque No. 113306 dated 24.08.2004.

6. Ex-Gratia compensation financial Assistance for Rs. 2.5 lacs, sanctioned by the office of Under Secretary/GA, UHBVN, Panchkula O/o No. 542/UH/Pen/E-916 dated 13.09.2007 and released vide cheque No. 287011 dated 08.10.2007.

3. The petitioner's mother expired on 12.02.2021. After her death, the petitioner filed representation dated 28.07.2022 (Annexure P-9) before authorities seeking compassionate appointment. He preferred CWP No.26203 of 2022 before this Court which was disposed of vide order dated 17.11.2022 with a direction to take decision on the representation dated 28.07.2022 (Annexure P-9). The respondent has passed impugned order dated 19.05.2023 pursuant to order dated 17.11.2022 of this Court.

4. Mr. Aggarwal submits that the petitioner is entitled to compassionate appointment. His claim was considered by authorities in 2005, however his mother was paid lump sum compensation instead of compassionate appointment. He is also entitled to payment of GIS

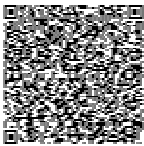


(Group Insurance Scheme), however, respondent has not released the same.

5. I have heard the arguments of counsel for the petitioner and perused the record.

6. Concededly, petitioner's father passed away on 30.12.2004 and his mother on 12.02.2021. The mother of petitioner claimed dues of her husband. She during 2004-07 was paid all the terminal dues including *ex-gratia* compensation to the tune of Rs.2.5 lakhs. She did not raise any objection during her lifetime. It appears that after the death of his mother, the petitioner wants to make hay while the Sun shines. Compassionate appointment is neither a fundamental nor a vested right. The object of compassionate appointment is to prevent the dependents of an employee from being driven to destitution. The petitioner's mother had already availed all the benefits relating to her husband's service. The petitioner has come up for compassionate appointment after the expiry of more than 15 years. It is apt to notice that impugned order rejecting compassionate appointment was passed in May'2023 and he has preferred present petition in December' 2024. These facts collectively indicate that he is not in destitution deserving compassionate appointment. He is also claiming benefit of GIS. The respondent in the impugned order has observed that the said benefit has to be released by LIC. The petitioner is claiming that he is not having requisite documents and it is the respondent who can get the said benefit released. The respondent No.2 is requested to consider claim of petitioner and help him to get benefit of GIS from LIC.

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CWP-34777-2024 4

7. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

20.12.2024
anju

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No