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

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**CWP-1717-2025 (O&M).
Date of Decision: 25.03.2025.**

KHUSHI RAM

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ajay Kumar, Advocate,
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Challenging the order dated 18.11.2024 whereby the claim of the petitioner for appointment to the post of Clerk from the date of his joining i.e. 07.06.2008 as Bull Attendant has been rejected, the petitioner has filed the instant petition.

2 Learned counsel appearing for the petitioner contends that the father of the petitioner was posted as VLDA (Veterinary and Livestock Development Assistant) with the respondents. He died during service on 16.06.2006 whereupon the petitioner moved an application seeking compassionate appointment. Since the needful was not done, hence, CWP No.5609 of 2007, titled as "Khushi Ram versus State of Haryana and others"

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was filed before this Court which was disposed of vide order dated 13.02.2008 directing the respondents to consider the case of the petitioner under the Compassionate Appointment Rules 2005 and to offer him appointment in case he was eligible as per his seniority, failing which financial assistance was directed to be provided to him.

3 In compliance to the order dated 13.02.2008 passed by the High Court, the petitioner was given appointment to the post of Bull Attendant (Group-D) on 07.06.2008, on being found eligible and entitled.

4 Learned counsel for the petitioner contends that two similarly situated employees i.e. Sh. Sanjay son of Ravi Dutt posted at Sub-Divisional Office, Animal Husbandry, Kalayat, District Kaithal and Sh. Varun Gautam son of Ramesh Chand, posted at Sub-Divisional Office, Animal Husbandry Guhla, District Kaithal, were however appointed as clerk under the scheme of Ex-Gratia in terms of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003. He submits that the petitioner accordingly filed CWP No.20930 of 2024, titled as "Khushi Ram Vs. State of Haryana and others" for the said relief which was dismissed as withdrawn vide order dated 28.08.2024. It was further observed that in case the petitioner submits a representation within a period of 04 weeks, the same shall be considered and decided in accordance with law.

5 It is contended that in compliance thereto, the petitioner submitted a fresh representation dated 13.09.2024 but no decision was taken

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thereupon. COCP No.4151 of 2024 was hence filed, however, during the pendency of the contempt petition, the respondents passed the impugned order dated 18.11.2024 whereupon the COCP was rendered infructuous. The petitioner has hence filed the present writ petition challenging the order dated 18.11.2024.

6 Learned counsel for the petitioner has reiterated his argument that the respondent Department had offered appointment as Clerk to other similarly placed persons whereas the petitioner has been offered the appointment as a Bull Attendant. He further submits that in fact the petitioner had sought advice of the respondents and they themselves had advised him to apply for the post of Bull Attendant and that the petitioner being not aware of his other rights could not exercise a correct option.

7 Neither any other argument has been raised on behalf of the petitioner nor any judgment has been cited.

8 I have heard the learned counsel appearing for the petitioner and have gone through the documents appended along with the present petition with his able assistance.

9 The undisputed facts which emerge from the writ petition as well as the arguments advanced by the counsel for the petitioner are that the father of the petitioner was working on Group C post and died while in service on 16.06.2006. It is also not in dispute that the petitioner submitted an application with the respondent Department for being offered an

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appointment. In the said application submitted by the petitioner, he himself sought an appointment as a Bull Attendant. Eventually, the respondents passed an order dated 07.06.2008 whereby the petitioner was appointed to the said post in Group D. The said facts have been specifically noticed by the Director General Animal Husbandry and Dairying Haryana, while declining the representation dated 13.09.2018 submitted by the petitioner. The operative part of the impugned order dated 18.11.2024 is extracted as under:-

“Hon’ble High Court in above direction to the petitioner file the representation with the explanation the reason of not having claimed the relief during the period till date. Petitioner submit their representation dated 13.09.2024, which is received in deponent office on 24.09.2024, in which Petitioner claimed for appointment to the post of Clerk, but as per direction of Hon'ble High Court, Petitioner does not explain the reason of not having claimed the relief during the period till date. Still, Respondent Department examine the claim of the petitioner, it is found that Sh. Gyani Ram was working on the post of VLDA, who was expired on 16.06.2006. After the death of Sh. Gyani Ram, his wife Smt. Maya Devi submitted their documents for benefit under ex-gratia scheme through Deputy Director, Animal Husbandry and Dairying, Kaithal along with the experience certificate for care of Cows & Buffalos from Dera Baba Lathe Wala Gaushala, Vill, Naultha Distt. Panipat and Provisional Certificate of eleven days training in dairying from 03.07.2006 to 13.07.2006 issued by Sub Divisional Officer, Animal Husbandry & Dairying, Kaithal. As per record, After the decision of CWP No. 5609 of 2007 on dated 13.02.2008, Petitioner has approach to Department in written for the appointment to the post of Bull Attendant (Animal Attendant) on

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04.03.2008, So, the Department offered him to the appointment to the post of Bull Attendant, which he accepted and joined.

4. That the Department offered for the appointment to the post of Bull Attendant on His written request (copy enclosed). Petitioner is not entitled for the appointment to the pest of Clerk.

In view of above, after carefully examination of relevant rules/documents/record applicable here I am of the considered opinion that the claim of the petitioner for appointment on the post of clerk deserve to be rejected being devoid of merits.”

10 On a pointed query as to whether the petitioner can claim compassionate appointment against a specific post, counsel for the petitioner fairly concedes that no such right can be claimed. Counsel for the petitioner has also not been able to apprise as to who were the persons from whom the petitioner had sought advice before submission of the application for compassionate appointment. When confronted with submission of any other application, after being appointed on 07.06.2008 as Bull Attendant for appointment to any other post, counsel for the petitioner contends that he is not aware about the same and submits that he came to know about the entitlement of the petitioner for being appointed as a Clerk only in the year 2024.

11 It is not in dispute that petitioner himself sought appointment as Bull Attendant. The same was offered to him in the year 2008 and he continued to work for nearly 16 years before approaching the Court with a

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renewed request and without even disclosing when the other persons had been offered appointments, whether posts of clerks were available when petitioner applied or not etc. He has even not disclosed about the date when he acquired knowledge.

12 I find that the present petition is highly belated and is barred by delay and laches and it lacks all material details. The petitioner having appointed on the post of Bull Attendant, a post which he had himself mentioned in his application for compassionate appointment and worked for a period of nearly 18 years, it would not be open to seek a substitution for any other post. Once the appointment had been accepted to tide over the immediate financial crises that occurred on account of the loss of only bread earner, the person who avails such a compassionate appointment cannot thereafter contends that on being aware of any other post, he can also claim a right to be appointed against such other post. Counsel for the petitioner has also not been able to convince this Court that the reasons given by the respondents are contrary to Rules or are invalid, arbitrary or perverse.

13 Finding no illegality, perversity or impropriety in the impugned order dated 18.1.2024 (Annexure P-6), the present petition is dismissed in *limine*.

March 25, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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