



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

157

CWP-3107-2025

Date of Decision: 03.02.2025

RAMESH KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Hardeep Singh Dhillon, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for quashing the order dated 13.06.2016 passed by the Engineer-in-Chief, Irrigation and Water Resources Department, whereby claim of the petitioner for appointment as well as for grant of financial assistance has been rejected on the ground of the petitioner being ineligible.

Learned counsel for the petitioner has vehemently argued that father of the petitioner was working as Beldar with the respondent-Department since 10.06.1978, but unfortunately, he expired on 14.06.2002. After his death, his widow Smt. Anguri Devi (mother of the petitioner) submitted a request to the respondents to provide employment to her son Ramesh Kumar (the petitioner herein) on compassionate grounds. The said claim was rejected by the respondent-Department vide order dated 22.03.2007. Against the said order, a writ petition bearing No.CWP-6245 of 2010 was filed before this High Court, which was also dismissed vide order dated 04.05.2012. The said order was challenged by the petitioner in LPA No.1695 of 2012, which was also dismissed on 19.12.2012, but

an observation was recorded by Hon'ble Division Bench of this Court that in the event of the petitioner submitting an application for grant of relief of financial assistance, the same shall be considered in terms of the Policy notified in the year 2003. Thereafter, the petitioner served a legal notice on 21.05.2013, which was again declined vide order dated 29.08.2013.

The counsel for the petitioner contends that in the earlier petition i.e. CWP-6245 of 2010, the respondent-Department had admitted the claim of the petitioner in the written statement filed before this Court and averred that the case of the petitioner has been considered and family of the deceased is entitled for *ex-gratia* financial assistance of Rs.2,50,000/- on compassionate ground but he is not entitled for *ex-gratia* employment on compassionate ground. It is contended that notwithstanding the respondents themselves acknowledging entitlement of the petitioner for financial assistance, the said benefit was not given whereupon the petitioner approached this Court yet again vide CWP No.15696 of 2014. The said writ petition was allowed vide order dated 07.08.2015, whereby the respondents were directed to consider the claim of the petitioner for appointment within a period of three months from the date of receipt of certified copy of the said order. The said order was never challenged by the respondents and thus the same attained finality. He contends that thereafter, respondent No.5 wrote a letter dated 16.09.2015 to Smt. Anguri Devi, but unfortunately, she had already expired on 08.06.2012. However, on receipt of the abovesaid order, the petitioner kept on visiting the office of respondent No.5, but no action was taken. The petitioner was shocked on being informed that an order had been passed on 13.06.2016 declining the claim of the petitioner for employment as well as for financial assistance. The order has now been challenged in the present petition alleging that the respondents

have themselves admitted the claim of the petitioner in the earlier round of litigation, wherein a direction had been issued to the respondents to consider the claim of the petitioner on merits and thereafter to issue appointment letter. Notwithstanding the same, the respondents have declined the claim of the petitioner vide impugned order. The operative part of the impugned order reads thus:

“I have considered the claim of the petitioner and due to following reasons no ground is found to accept the claim of the petitioner i.e. Sh. Ramesh Kumar

- 1. No doubt at the time of death of the petitioner's father the Ex-gratia Policy, 1995 was enforce, the deceased son i.e. Sh. Ramesh Kumar was to be appointed on post of Class-IV. At the time of death of his father, the claim of the petitioner was considered and due to right sizing as explained above the petitioner could not be offered appointment.*
- 2. Moreover, the request of the petitioner i.e. Sh. Ramesh Kumar aged about 30 years at the time of death of his father under Ex-gratia Scheme and the case was considered under Haryana Compassionate Assistance to the dependent of deceased Govt. employment Rule 2003 and as per these rules in **Para No. 3 (e) (ii) "Son (including adopted son) till he attains the age of 25 years subject to the proof of adoption as envisaged in the Hindu Adoption and Maintenance Act, 1956 (78 of 1956)"** It was observed that the age of the petitioner was more than 25 years at the time of death of his father. Thus, he was not eligible for ex-gratia appointment on compassionate ground as well as for Financial Assistance of Rs. 2.50 Lacs.*

Keeping in view of grounds mentioned above, the claim of the petitioner for Ex-gratia appointment as well as for Financial Assistance is hereby rejected.”

I have heard the learned counsel for the petitioner and have gone through the documents and other material available on record with his able assistance.

Learned counsel for the petitioner is not in a position to demonstrate that as to how the reasons given by the respondents for declining the claim of the petitioner are bad in law or are unsustainable, rendering the impugned order liable to be set aside. There was also no direction by this Court in any mode to appoint the petitioner and the direction was only to consider the claim for appointment, for which petitioner had not been found eligible.

Further, counsel for the petitioner has also referred to the memo of parties as per which, in the year 2025, the petitioner is nearly 53 years of age and that at the time of death of his father i.e. in the year 2002, the petitioner would still be 30 years of age and was thus not eligible for the claim sought for.

Considering it from any of the perspective, the counsel for the petitioner has not been able to establish that the petitioner was entitled for the benefits, as asked for under the applicable policy or that the claim of the petitioner has been unlawfully and wrongfully denied.

In the absence of any such evidence/document, this Court is not in a position to find any fault in the impugned order.

The present writ petition is accordingly dismissed in *limine*.

FEBRUARY 03, 2025.
rajender

(VINOD S. BHARDWAJ)
JUDGE

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