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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-15299 of 2019 (O&M)
Date of Decision:.07.01.2025

Manphool

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rahul Deswal, Advocate,
for the petitioner.

Mr. Pankaj Mulani, DAG, Haryana

KULDEEP TIWARI, J. (Oral)

1. The instant petition cast under Articles 226/227 of the Constitution of India for issuance of mandamus upon the official respondents concerned to grant compensation and to also provide appointment to any of the petitioner's sons on the post of 3rd/4th Class in Haryana Transport Department or any other department as per policy/guidelines regarding relaxation in age and in education qualification in view of the decision taken by the Ministry of Cabinet on 28.10.2005.

2. The petitioner has three sons, out of which one Rajesh, has unfortunately died in police firing, during a farmer protest in village Kandela and Gulkani, (District Jind) on dated 31.05.2002. Since there was lot of hue and cry with regard to the conduct of the police therefore, the Cabinet Ministry, has adopted a special policy for giving Government employment to

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the dependent of persons who were killed in the police firing in village Kandela and Gulkani (District Jind) on dated 31.05.2002, and in pursuance of that policy, 10 persons who were dependent of the deceased persons, were given appointment in the Transport Department on the vacant posts of 3rd/4th Class, after giving relaxation in age and education qualification. The petitioner's son though suffered injury in the same incident, however, he died after eight years of the occurrence on account of the injury suffered by him. It is not under dispute that the son of the petitioner died because of the gun shot injury, suffered during farmer protest on the fateful day. For that, reference can be made of Inquiry Report dated 27.03.2015, Annexure P-9, submitted by the Deputy Superintendent of Police, Headquarter, Jind to the Superintendent of Police, Jind. In response to the instant petition, the respondent-State has filed a written statement through Joint Director, State Transport, Haryana.

3. Though the facts recorded above were not disputed, however, the only reason assigned for declining the claim of the present petitioner is that his name is not mentioned in the note of the Cabinet meeting, and further the benefit was denied on the ground that on the date when the decision was taken by the Ministry of Cabinet, the person was only injured, and therefore, the dependent of the injured cannot be given the benefit.

4. This Court has considered the rival submissions made by the parties concerned, and of this view that under the decision of the Ministry of Cabinet, there is no distinction that in case a person who is injured, and died subsequently would not be entitled for the benefit of compensation and



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appointment. Since there is no denial with the fact that the son of the present petitioner died on account of gun shot injury, therefore *prima facie* stands on similar pedestal. Therefore, a direction is passed upon the respondent-State of Haryana to re-consider the representation dated 30.07.2014 (Annexure P-3), which is already filed by the present petitioner, and thereafter, pass a well speaking order on the representation dated 30.07.2014 (Annexure P-3). The petitioner is at liberty to make additional representation, and also to submit additional documents in support of his claim.

- 5. The instant petition is **disposed of** accordingly.
- 6. It is expected that the compliance of directions supra shall be made within three months after receipt of certified copy of this order.
- 7. All pending application(s), if any, stand disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

January 07, 2025
dinesh

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