

2025:PHHC:165533



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

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**CWP-25328-2022
DECIDED ON:21.11.2025**

KAMLESH**...PETITIONER****VERSUS****STATE OF HARYANA AND OTHERS****....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Suresh Ahlawat, Advocate
for the petitioner

Mr. Rahul Dev Singh, Addl. AG. Haryana

SANDEEP MOUDGIL, J**1. Prayer**

The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India praying for issuance of a writ in the nature of certiorari quashing the impugned order 21.9.2022 (Annexure P-15) passed by the respondent no.2, whereby claiming the interest on delayed payment (17 Years) i.e. lump-sum ex-gratia amount of Rs. 5 lacs has been rejected which is illegal, arbitrary and contrary to the facts and law. Further issuance a Writ in the nature of Mandamus directing the respondents, to grant the interest on the delayed payment of lump-sum -Ex-gratia grant of Rs. 5 lacs (Annexure P-9 dated 14.2.2022) to the petitioner from due date 18.11.2005 (Annexure P-12) till the date of payment i.e. w.e.f. 18.11.2005 to 31.3.2022 with 18% interest.

2. Brief Facts

The petitioner's husband, a regular Driver in the Food & Supplies Department, Haryana, died in a road accident on 11.10.1995 while on duty. At

that time, the Ex-gratia Policy provided for compassionate appointment to a major dependent. Since the petitioner's son, Sandeep, was then a minor, the petitioner applied on 01.02.1996 requesting reservation of a post for him. The respondents assured her vide letter dated 13.01.1997 that his case would be considered upon attaining majority. After attaining majority in December 2001, Sandeep applied for compassionate appointment on 05.12.2001 and his application was forwarded on 12.12.2001. However, the respondents rejected the claim on 21.02.2002 by applying the newly introduced policy dated 19.11.2001, stating that three years had elapsed from the date of death. The rejection was arbitrary as the new policy could not override the earlier assurance. The petitioner continued to represent her grievance before various authorities, including representations dated 07.07.2005, 12.06.2019 and 02.04.2021, seeking compassionate appointment or ex-gratia compensation of ₹5,00,000 with interest. Despite this, the respondents neither granted appointment nor paid financial assistance for many years. Ultimately, on 14.02.2022, the respondents sanctioned ex-gratia compensation of ₹5,00,000, which was released on 31.03.2022 after an inordinate delay of nearly 17 years without interest. The petitioner served a legal notice on 07.04.2022 seeking interest. In CWP No. 14353 of 2022, this Court directed the respondents to decide her notice, but the respondents rejected it on 21.09.2022 stating that policies do not provide for interest. The delay in payment is solely attributable to the respondents.

3. Contentions
On behalf of Petitioner

Learned counsel for the petitioner argued that the petitioner's husband, a regular Driver in the Food & Supplies Department, Haryana, died

Ex-gratia Policy then in force, a major dependent was entitled to compassionate appointment. Since the son of the petitioner namely, Sandeep, was a minor at the time, the petitioner applied on 01.02.1996, and the respondents, by communication dated 13.01.1997, assured her that his case would be considered once he attained majority.

After Sandeep became a major in December 2001, he submitted an application on 05.12.2001. However, the respondents rejected the claim on 21.02.2002 by applying a newly issued policy dated 19.11.2001, which, according to the petitioner, could not nullify the earlier assurance. Despite the petitioner's repeated representations, the ex-gratia compensation of ₹5,00,000 was sanctioned only on 14.02.2022 and released on 31.03.2022 after an inordinate delay of nearly 17 years and without interest.

Counsel submitted that the delay was entirely due to the respondents' inaction and, placing reliance on the judgment of this Court in ***Somwati v. State of Haryana, 2017 (2) PLR 368***, argued that interest is payable on delayed ex-gratia payments. The respondents' refusal to grant compassionate appointment and their prolonged delay in releasing the compensation were, therefore, arbitrary, illegal, and violative of Articles 14 and 16 of the Constitution, warranting the award of interest on the delayed amount.

On behalf of respondent/State

Learned State counsel contended that the present Civil Writ Petition is not maintainable, as the petitioner has not approached this Court with clean hands and is attempting to obtain undue benefits by concealing material facts. It was submitted that the petitioner has no locus standi, as no legal or fundamental right has been infringed by the respondents.

Learned counsel submitted that the petitioner, vide letter dated 02.04.2021, gave an option to the Department to either provide employment to her son, Sandeep Kumar, or to grant Rs. 5 Lakh under the ex-gratia Scheme with interest. Prior to that, the petitioner and her son were pressing only for ex-gratia appointment. As per policy, the son did not fulfill the requisite conditions for employment, and the application for compassionate appointment was rightly rejected.

It was further submitted that the Department sought clarification from the Chief Secretary's office regarding entitlement under the 2019 Rules, which clarified that the petitioner was entitled only to the lump sum ex-gratia grant of Rs. 5 Lakh under Rule 3(1). Accordingly, the competent authority sanctioned the amount on 17.01.2022. Since the petitioner herself opted for ex-gratia assistance, she is not entitled to any interest on the delayed payment.

Learned counsel also contended that, as per policy, a dependent must apply for appointment within three years from the date of death. The petitioner's son attained majority only on 05.12.2001 and applied thereafter, beyond the prescribed period; the application was therefore rightly rejected. The petitioner has already been granted her lawful claim, and the present petition is without merit and liable to be dismissed.

Heard.

4. Analysis

The Court has carefully considered the submissions of learned counsel for the petitioner and the State, along with the record of the case. It is evident that the petitioner's husband, a regular Driver in the Food & Supplies Department, Haryana, tragically died in a road accident on 11.10.1995 while on duty. The petitioner's son, Sandeep, being a minor at the time, could not

an early representation seeking reservation of a post for her son, the respondents had assured that his case would be considered after attaining majority.

On attaining majority in December 2001, Sandeep applied for compassionate appointment on 05.12.2001, which was forwarded to the competent authorities on 12.12.2001. However, the respondents rejected the claim on 21.02.2002, applying the policy dated 19.11.2001, which requires that a dependent apply within three years from the date of death. The policy clearly stipulates that eligibility for compassionate appointment is subject to conditions prevailing on the date of death or at the time of application, within the three-year window. In the present case, the petitioner's son attained majority only in December 2001, well beyond the prescribed period. The application was, therefore, rightly rejected in accordance with the applicable rules.

The petitioner subsequently submitted a letter dated 02.04.2021, giving an option to the Department to either provide employment or grant ex-gratia compensation of Rs. 5 Lakh with interest. The Chief Secretary's office clarified that under Rule 3(1) of the Haryana Civil Services (Compassionate Financial Assistance/Appointment) Rules, 2019, the petitioner was entitled only to the lump sum ex-gratia grant of Rs. 5 lakh. Accordingly, the competent authority sanctioned the amount on 17.01.2022, which was released on 31.03.2022. Since the petitioner herself opted for ex-gratia financial assistance at a later date being 02.04.2021, she cannot claim interest on the same.

It is well settled that relief under the compassionate appointment or ex-gratia scheme is statutory and governed by the terms of the applicable

84, held that interest is payable only where there is an obligation to pay under the policy or statute, and undue delay attributable to the State may attract interest if such delay is arbitrary. However, in the present case, the delay in sanctioning the ex-gratia amount was consequent to the petitioner herself opting for financial assistance at a belated stage only in the year 2021 and seeking a clarification from the competent authority, and not due to arbitrary denial of relief by the respondents.

Moreover, as far as the relief relating to Compassionate Appointment is concerned, the petitioner’s son did not fulfill the eligibility criteria for compassionate employment within the prescribed period as per the policy dated 19.11.2001, and therefore, the rejection of his application cannot be deemed arbitrary or violative of Articles 14 or 16 of the Constitution of India.

5. Conclusion

In view of the above, the petitioner’s claim for compassionate appointment fails on merit. The petitioner has already received her lawful entitlement of Rs. 5 Lakh as ex-gratia compensation, and no interest is payable under the applicable rules.

The present petition being devoid of merits is hereby dismissed.

Pending applications, if any, stand disposed.

21.11.2025
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>:Yes/No</i>
<i>Whether reportable</i>	<i>:Yes/No</i>