

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-35172-2025 (O&M)

Decided on 14.01.2026

Kavita

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Rajesh Bansal, Advocate for the petitioner

Mr. Deepak Balyan, Addl. AG Haryana

Sandeep Moudgil, J.

(1). The present writ petition has been filed under Articles 226/227 of the Constitution of India, *inter alia*, seeking issuance of a writ in the nature of certiorari for quashing the impugned order dated 14.10.2025 (Annexure P9) and order dated 28.08.2025 (Annexure P10) vide which the appointment of husband of the petitioner, namely, late Shri Rajesh Kumar has been declared as void ab initio, after his death. She prays for a direction to the respondents to grant her ex gratia benefits with all consequential benefits in view of letter dated 24.10.2024 (Annexure P4) accepting the claim of the petitioner which could not be processed due to financial implications.

(2). The husband of the petitioner was engaged as a Driver on contractual basis with the State Transport, Haryana vide appointment letter dated 20.06.2008 and joined as such on 27.06.2008. He died in service on 30.10.2008. Long thereafter, the State issued letter dated 28.11.2016, providing for regularisation of services of Drivers and Conductors appointed on or after 01.01.2003 on contractual basis from the date of their initial joining. On the strength of the said policy, the petitioner addressed representations dated 05.03.2024 and 26.11.2024 seeking regularisation of the services of her

deceased husband from his initial date of joining and consequential grant of ex-gratia benefits. The General Manager, Haryana State Transport, Ambala, by letter dated 24.10.2024 (Annexure P4), recommended her case for ex-gratia and sought permission to regularise the services of the deceased in view of letter dated 28.11.2016 (Annexure P3), but ultimately, by office orders dated 28.08.2025 (Annexure P10) and 14.10.2025 (Annexure P9), the appointment of the petitioner's husband was declared void ab initio, which orders, along with the denial of ex-gratia benefits, are under challenge in the present writ petition.

(3). Learned counsel for the petitioner contends that once the respondent-Department itself issued the policy dated 28.11.2016, under which similarly situated contractual Drivers and Conductors appointed on or after 01.01.2003 have been regularised from the date of their initial engagement, the petitioner's husband, who was appointed in June 2008, formed part of the same homogeneous class and was entitled to be treated as regular for all consequential purposes. It is argued that the General Manager, by letter dated 24.10.2024, has already accepted the eligibility of the petitioner's husband by recommending the case for ex-gratia benefits and seeking permission for regularisation, and that such positive recommendation, coupled with the subsequent correspondence dated 29.11.2024 and 07.03.2025, creates a legitimate expectation in favour of the petitioner that the policy benefit will not be arbitrarily withheld.

(4). Learned counsel then vehemently pleaded that the General Manager, Haryana State Transport, Ambala at one point of time even recommended the case of the petitioner for ex gratia benefit and vide letter dated 24.10.2024 (Annexure P4), permission was sought to regularize the

service of the husband of the petitioner in view of letter dated 28.11.2016, however, respondent No.3 in response to the above letter of the General Manager informed that though the husband of the petitioner fulfilled the condition of regularization, age, qualification and experience of 2 years along with that of 2 year old DL, however, in view of the financial implications on the State Exchequer, her request cannot be accepted. The relevant extract of the decision forming part of letter dated 07.03.2025 (Annexure P6) is reproduced as under:-

“On perusal of the records it was found that Sh. Rajesh Kumar S/o Sh. Sudan was appointed as contractual driver on dated 27-06-2008. According to the ACS Transport letter no. 1/82/2012-IT(11) dated 28-11-2016, Driver and Conductor on contractual basis on or after 01-01-2003 were regularized -from the date of Initial joining. The case of Rajesh Kumar S/o Sudan was sent for regularization to HQ vide letter no.1648/ECD Dated 24-10-2024 wherein Rajesh Kumar S/o Sudan(Mistakenly written as Subhash) was not regularized on the ground that D.L. experience is less than 02 years as the D.L. was issued on 14/10/2005 in HQ letter 12688-713 Dated 13-12-2017. However after verification from RTA Panipat vide letter 1574/RTA/PNP Dated 27-06-2024 his D.L. no. 46797/P was validated from 01-08-2002 thereby fulfilling the condition of regularization of 02 years old D.L. alongwith the other conditions of age, Qualification and Experience of 02 years. However the financial implications on the state exchequer is huge and it would be appropriate to send the case to HQ after taking opinion of the AO of this office.”

(5). It is further submitted that the only reason now sought to be projected by the respondents for not extending the ex-gratia benefit is “financial exigencies”, which, according to counsel, can never constitute a valid ground to defeat a declared policy and deny a limited benefit to a widow belonging to a small, identified class of dependants of deceased employees.

Placing reliance on decisions where courts have deprecated the denial of service or monetary benefits on the sole ground of financial constraints, learned counsel submits that once the State has framed a policy and has itself processed and recommended the case, financial burden cannot be pleaded to resile from such commitment. It is further contended that orders (Annexures P9 & P10) belatedly issued, declaring the husband's appointment *void ab initio*, have been passed behind the back of the petitioner and without affording her any opportunity of hearing, despite the serious civil consequences of such orders, and therefore are violative of principles of natural justice.

(6). Heard learned counsel for the petitioner.

(7). The engagement of the petitioner's husband was admittedly on contract and subsisted only for a stint of about four months prior to his death. The regularisation policy dated 28.11.2016, even if it contemplates regularisation of contractual Drivers and Conductors appointed on or after 01.01.2003 from the date of initial joining, does not, by its mere existence, create an automatic or vested right of regularisation, much less in favour of the dependants of those contractual appointees who had died long before the policy was notified. Regularisation is a matter governed strictly by the terms of the policy and cannot be claimed *de hors* or in excess of those terms on sympathetic considerations. The internal recommendation dated 24.10.2024 by the General Manager, Ambala, and the subsequent note dated 07.03.2025, though favourable to the petitioner, form only a part of the decision-making process and cannot be elevated to a binding determination conferring an enforceable legal right. The competent authority remained entitled to examine

the legality of the initial engagement and to decide whether the policy was in fact attracted.

(8). Seen in this backdrop, the petitioner’s plea that ex-gratia benefits must follow as a matter of course, on the footing that the deceased stood regularised by implication, cannot be accepted. Once the competent authority, upon scrutiny of a cohort of appointments, has taken a view that the engagement of the petitioner’s husband was *void ab initio*, the foundation itself for any claim premised on regular service stands negated, and this Court, in exercise of writ jurisdiction, cannot direct that such an engagement be treated as valid and regular solely on the strength of internal recommendations or on the ground of financial hardship. The contention that “financial exigencies” cannot override a policy may be correct in the abstract, but in the present case the non-grant of ex-gratia is not founded merely on financial constraints. It is rooted in the conclusion that the initial appointment itself was not sustainable.

(9). In view of the above discussion, this Court finds no legal basis to interfere with the impugned orders dated 28.08.2025 and 14.10.2025 and dismiss the writ petition being devoid of merit.

(10). At the same time, nothing in this order shall be construed as an impediment to the respondents, if they so choose, taking into account their earlier recommendations and correspondence and reconsidering the petitioner’s case sympathetically under the existing policy framework.

14.01.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned? :
2. Whether reportable? :

Yes/No
Yes/No