

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

2025:PHHC:013806



**CWP No. 5072 of 1999 (O&M)
Date of Decision: 30.01.2025**

Bhupinder Kaur

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Mrigank Sharma, Advocate
Mr. Ashish Bansal, Advocate
(Legal Aid Counsel)
for the petitioner

Mr. Raman Sharma, Addl. A.G., Haryana

Mr. Rahul Kesar, Advocate for
Mr. Vishal Chauhan, Advocate
for the Municipal Committee

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 25.08.1998 (Annexure P-7) whereby respondent has rejected her claim for compassionate appointment.

2. The petitioner's father was working with Municipal Committee, Ambala as an Octroi Peon. He went missing on 01.05.1990 and was about to retire on 31.10.1990. He could not be traced till the date of his



superannuation. The respondent considered him retiree with effect from 31.10.1990 and accordingly paid gratuity, leave encashment & provident fund to his widow. The petitioner at that point of time was married, however, she lost her husband in 1994. She became dependent upon her mother who was also not having any source of income. The petitioner after declaration of her father as 'deemed dead', lodged claim with respondent for compassionate appointment. The respondent vide impugned order rejected her claim on the ground that there is no provision for compassionate appointment to a widowed daughter. She cannot be treated as dependent.

3. Mr. Mrigank Sharma, Advocate submits that petitioner is litigating since 1999 and as per Policy of 2003, the dependents are entitled to ex-gratia compensation of Rs.2.50 lakh. As per Policy, which was prevailing on the date of death of her father, she was entitled to ex-gratia compensation of Rs. 15,000/-. She or her mother was not paid said amount. She may not be entitled to benefit arising out of policy of 2003, nevertheless, she is entitled to benefit of policy of 1970. She, at this stage, cannot claim compassionate appointment, however, deserves ex-gratia compensation.

4. Mr. Raman Sharma, Addl. A.G., Haryana submits that petitioner's father was paid salary and her mother was paid gratuity, leave encashment and provident fund. There was no question of compassionate appointment because as per prevailing policy, widowed daughter was not entitled for compassionate appointment. She, even otherwise at the time of death of the employee, was a married daughter and lodged claim in 1998.



5. Mr. Rahul Kesar, Advocate expressed his inability to controvert the fact that as per Policy of 1970, family of deceased employee was entitled to lump sum compensation of Rs. 15,000/- which was never paid to the petitioner or her mother.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. The petitioner's father went missing in May'1990 and he was about to retire on 31.10.1990. He was honourably superannuated and paid salary for the aforesaid period. His family was paid gratuity, leave encashment and provident fund. The petitioner lodged claim for compassionate appointment in 1998 which was declined by respondent on the ground that she does not fall within the expression 'dependent'. At that point of time, Policy of 1970 was in vogue. The family of deceased employee was entitled to ex-gratia compensation of Rs. 15,000/- which was not paid to the family. The reason for not making the payment may be that the employee was not declared dead before his date of superannuation. The declaration of being dead is issued after the expiry of seven years from the date of missing. In such circumstances, the petitioner's family did not get ex-gratia compensation despite her father being missing while in service.

8. Considering the facts and circumstances and to resolve the issue, this Court finds it appropriate to direct the respondent to pay a lump sum compensation of Rs. 50,000/- which includes principle amount of Rs. 15,000/- and deemed interest. The needful shall be done within two months from today.



- 9. Petition stands disposed of in the above terms.
- 10. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

30.01.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	