
(2014) 02 P&H CK 0076

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 7961 of 2011

Sarla Devi

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: Feb. 19, 2014

Citation: (2014) 175 PLR 700

Hon'ble Judges: Augustine George Masih, J

Bench: Single Bench

Advocate: Raman Chawla, Advocate for the Appellant; Sunil Nehra, Sr. D.A.G, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Augustine George Masih, J.

Petitioner has approached this Court praying for issuance of a writ in the nature of mandamus directing the respondents to release the monthly financial assistance to the petitioner in accordance with Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (for short "the 2006 Rules"). The husband of the petitioner was working as a Canal Patwari in the office of Executive Engineer, Water Services Division, Rohtak when he unfortunately died on 16.05.2004 leaving behind the petitioner, two sons and a daughter. Petitioner submitted a request in writing for keeping one post reserved for compassionate appointment of her son Deepak Kumar. The said request was returned by the Superintending Engineer, Yamuna Water Services Circle, Rohtak-respondent No. 3 writing a letter dated 30.06.2004 (Annexure P-1) to Executive Engineer, Rohtak Water Services Division, Rohtak-respondent No. 4 as certain objections were found in the claim of the petitioner. Thereafter, prior to finalization of the claim of the petitioner under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005 (For short "the 2005 Rules"), notification dated 01.08.2006 was issued vide which Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (for short "the 2006 Rules") came into force. In the 2006 Rules, the 2005 Rules were

repealed. Under Rule 6 of the 2006 Rules, it was mentioned that all the pending cases of monthly ex gratia financial assistance shall be covered under the new Rules. On this basis, counsel contends that the claim of the petitioner is now required to be considered under the 2006 Rules. In support of this contention, counsel for the petitioner has relied upon the judgment of this Court in CWP No. 2310 of 2010, titled "Anu Rani v. State of Haryana" decided on 26.11.2012, wherein under similar facts and circumstances, the claim made for grant for monthly ex gratia financial assistance stands allowed. He, therefore, contends that the petitioner is entitled to the same benefit.

2. Counsel for the respondents, on the other hand, contends that the petitioner is not entitled to the claim as has been put forth by her in the present writ petition. Her claim would be covered under the Ex gratia Policy 2003 and, therefore, the monthly ex gratia financial assistance as has been claimed by the petitioner through the present writ petition cannot be accepted. He, on this basis, contends that the petitioner is not entitled to the claim as made in the present writ petition. He further contends that as per the 2003 Ex gratia Policy, an amount of Rs. 2,50,000/- stand already sanctioned for release to the petitioner as per her entitlement.

3. Counsel for the petitioner states that she has not accepted the said sanctioned amount and has put forth her claim under the 2006 Rules. I have considered the submissions made by the counsel for the parties and with their able assistance have gone through the records of the case.

4. The facts as have been referred to above are not in dispute. On considering the judgment passed by this Court in Anu Rani's case (supra) in which it has been stated the LPA preferred has already been dismissed and the judgment has been implemented, covers the claim of the petitioner on all force. In view of the above, the present writ petition is allowed in same terms with same directions as in Anu Rani's case (supra). It shall be open to the respondents to adjust the family pension and other ex gratia benefits, if any, released to the petitioner while making the payment of arrears.