

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

COCP No.3441 of 2014
Date of Decision: 14.10.2015

Kamla Devi

. . . .Petitioner

Versus

R.R. Jowel and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.S.S. Mor, Advocate,
for the petitioner.

Mr.Rajesh K. Sheoran, Addl. A.G. Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for initiation of action under the Contempt of Courts Act, 1971 [for short 'the Act'] against the respondents for alleged willful disobedience of the order dated 5.9.2013 passed in CWP No.20438 of 2011.

The prayer made by the petitioner in the aforesaid writ petition was for issuance of a direction to the respondents to release financial assistance to her by considering services of her husband as regularized w.e.f. 1.10.2003 under the policy of regularization dated 1.10.2003.

The husband of the petitioner was Beldar. He was appointed in the year 1998. He challenged the termination of his services before the Labour Court where the order of his termination was set aside by award dated 29.8.2002 and he was ordered to be

reinstated with continuity of service. He alleged to have joined the duty w.e.f. 25.4.2003 and died during harness on 11.12.2007. The petitioner, thus, claimed deemed regularization of the services of her husband and consequential relief of grant of financial assistance.

The writ petition was allowed by this Court observing thus: -

“In these circumstances, the plea taken by the respondents can not hold water and the petitioner is entitled for declaration that, in his turn her husband was deemed to be regularized and consequently the petitioner would now be entitled to such benefits as are applicable to the spouse and family of the deceased government servant under the Financial Assistant Rules, 2006. The petition is allowed in the above terms. Let the necessary exercise be conducted and the due payment be disbursed to the petitioner within a period of three months from the date of receipt of a certified copy of this order, failing which, the petitioner would be entitled to claim the same within interest @ 8% p.a. from the date it fell due till payment.”

After notice, the respondents have filed replies by way of affidavits dated 24.2.2015 and 30.9.2015. It is averred in reply dated 24.2.2015 that in compliance of the order passed by this Court on 5.9.2013, the department had sanctioned financial assistance to the spouse of deceased government servant w.e.f. 12.12.2007 (date of death 11.12.2007) vide EIC, Irrigation & W.R. Department, Haryana Panchkula dated 30.4.2014 and has paid

₹806646/- on 23.7.2014 for the period from 12.12.2007 to 30.4.2014 and further regular financial assistance is being paid.

Thereafter, the respondents filed another affidavit dated 30.9.2015 in response to an order passed by this Court on 4.8.2015 as to whether the husband of the petitioner, whose services were regularized on 1.10.2003, was entitled to the arrears and other benefits upto 10.12.2007. It is averred that the writ petition was filed with a prayer to release the arrear of financial benefits as per Financial Assistance Rules, 2006, considering the services of her husband regularized w.e.f. 1.10.2003 under 2003 policy. It is also averred that this Court has observed that the service of petitioner's husband was deemed to have been regularized and in case of deemed regularization, no financial benefits are admissible. It was thus, decided that in view of the deemed regularization of services of the husband of the petitioner, he was not entitled to the arrears or other financial benefits from 1.10.2003.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that this Court had passed the order that the service of the husband of the petitioner was deemed to have been regularized and the petitioner was entitled to such benefits as are applicable to the spouse and family of the deceased government servant under the Financial Assistant Rules, 2006 [for short 'the Rules']. The respondents have made the payment as per Rules of 2006 to the tune of ₹806646/- on 23.7.2014 but insofar as the benefits from the year 2003-2007 are concerned, the petitioner may challenge the same in accordance

with law, if it has not been given, but so far as the order passed by this Court is concerned, it stood complied with.

Thus, the present petition is hereby disposed of accordingly.

14.10.2015

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**