

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

[1] Civil Writ Petition No.11276 of 2013
Date of Decision: July 13, 2015

State of HaryanaPetitioner
versus
Saroj Panwar and othersRespondents

[2] Civil Writ Petition No.16223 of 2013
Date of Decision: July 13, 2015

Saroj Panwar and othersPetitioners
versus
Union of India and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Naveen Kaushik, Additional AG, Haryana,
for the petitioner in CWP No.11276 of 2013 and
for respondent No.2 in CWP No.16223 of 2013.
Mr.V.K.Sandhir, Advocate, for the petitioners
in CWP No.16223 of 2013 and
for respondent Nos.1 to 3 in CWP No.11276 of 2013.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

This order shall dispose of CWP Nos.11276 and
16223 of 2013 as common questions of law and facts are
involved in these cases.

For brevity, the facts are being extracted from CWP
No.11276 of 2013.

[2] State of Haryana assails the order dated 31.08.2012
passed by the Central Administrative Tribunal, Chandigarh
Bench, whereby the petitioner-authorities have been directed

to release the payment of ex-gratia amount in favour of respondent Nos.1 to 3 as per the State Government Policy.

[3] The facts may be noticed briefly. The husband of first respondent and father of respondent Nos.2 & 3, namely, late Ramesh Chander Panwar was a member of Haryana Forest Service. His Original Application filed alongwith other batch-mates seeking appointment to Indian Forest Service was pending before the Tribunal when he unfortunately died on 01.12.1998. That Original Application was allowed on 28.09.1999 and pursuant thereto, the select list for the year 1996 was prepared in which the name of deceased-officer was also included. There was yet another round of litigation and finally the deceased officer with his two batch-mates was appointed to Indian Forest Service (for short, 'IFS') against the vacancies of year 1997. He was thus a member of IFS for all intents and purposes when he unfortunately died.

[4] The widow of the deceased, namely, respondent No.1 was meanwhile appointed by the State Government under its ex-gratia Policy. After the induction of her deceased-husband in IFS, she alongwith her two minor children applied for the award ex-gratia amount of Rs.5.00 lacs. That claim was resisted by State Government on the ground that respondent No.1 had already been appointed under the ex-gratia Policy.

[5] The Tribunal vide order under challenge rejected such a plea on the strength of the Government Policy which does not create such an embargo. That apart, other two claimants are minor children of the deceased-employee, against whom the State's plea was inapplicable.

[6] Taking into consideration the totality of circumstances, this Court on May 23, 2013 while issuing notice

CWP Nos.11276 and 16223 of 2013.

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to the respondents, directed the State authorities to release the due amount though subject to the final order in this petition.

[7] Learned State counsel informs that the said order has already been complied with.

[8] As the facts would speak for themselves, neither the induction of the deceased-employee to IFS nor appointment of respondent No.1 under the ex-gratia Policy caused any legal impediment against the release of ex-gratia amount as per the Policy.

[9] No case thus to interfere with the impugned order is made out.

[10] Dismissed.

CWP No.16223 of 2013

[11] Having regard to the fact that the State Government has fairly resisted the claim of the petitioners, though it has finally been upheld in their favour, we are of the considered view that no amount of interest is payable to them. We thus decline to interfere with the order passed by the Tribunal.

[12] Dismissed.

[SURYA KANT]
JUDGE

July 13, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE