

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

**CWP No. 19648 of 2011 (O&M)
Decided on : 21.05.2015**

Smt. Kala Wati and Another

...Petitioners

Versus

State of Haryana and Another

...Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether Reporters of Local Newspapers 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?

Present : Mr. Paramjit Jakhar, Advocate
for the petitioners.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

AMIT RAWAL, J. (ORAL)

In the present case, husband of petitioner No. 1-Smt. Kala Wati, died on 06.03.2001 and as per Haryana Compassionate Assistance to the Dependents of the Deceased Employees Rules 2003 (for short "the Rules 2003"), the dependents of the deceased-employee-Yag Dutt were entitled to ex-gratia employment or payment. As per the Rules 2003, on 13.02.2002, a sum of ₹ 25,000/- was granted by the department concerned of the deceased to petitioner No. 1. On 07.12.2002, petitioner No. 1 submitted a representation (Annexure P-1) for appointing her son on the job in place of her husband, i.e., Constable Yag Dutt, bearing Belt No. 426, who was working in the Police Department. Thereafter, on 28.03.2003 (Annexure P-2), another application was submitted on behalf of petitioner No. 1 seeking

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appointment. However, on 28.12.2004 (Annexure P-3), petitioner No. 1 has requested for compensation of ₹ 2.5 lacs as per law, so that she could upbringing/rear her children, who depend on her pension. The aforementioned representations had been rejected vide order dated 03.03.2011 (Annexure P-5) on the premise that a minor son could be appointed after the age of 18 years, and as per Haryana Govt. Rules, 2003, the dependent of deceased-Govt. employee is not entitled for appointment within three years of the death of the Govt. employee and thereafter, he would be liable for ex-gratia financial help. The Rules were amended in the year 2005 and a provision to give ₹ 5 lacs as ex-gratia financial help to the dependents of the deceased-employee was incorporated. The reason for declining the representation/ex-gratia financial help had been that the dependents of the deceased did not fulfil the required eligibility as per the Rules, 2003.

In the written statement, the respondents have reiterated the stand taken in the impugned order and further submitted that on 31.12.2004, the case of the petitioner was sent to the Inspector General of Police, Ambala Range, Ambala Cantt and further referred to the Director General of Police, Haryana on 10.01.2005. The same was rejected on 16.02.2005 (Annexure R-3) being time-barred as per Haryana Govt. Rules, 2003. The policy of 2003 was amended in the year 2005 and a sum of ₹ 5 lacs was fixed as financial assistance. Accordingly, the petitioner, who has been paid a sum of ₹ 25,000/- is entitled for ex-gratia financial assistance of ₹ 4,75,000/- (₹ 5,00,000-25,000/-). The legal position with regard to compassionate employment of financial assistance is no

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longer res integra in view of the law laid down by this Court in **Krishna Kumari Versus State of Haryana and Others, 2012(2) S.C.T. 736.**

Accordingly, the impugned order dated 03.03.2011 (Annexure P-5) is hereby quashed. The respondents are directed to pay the amount of ex-gratia financial help to the petitioners amounting to ₹ 5 lacs after deducting ₹ 25,000/- i.e. ₹ 4,75,000/-.

The writ petition is accordingly allowed.

May 21, 2015

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**(AMIT RAWAL)
JUDGE**