

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

**CWP No.1749 of 2013
Date of decision : 17.09.2015**

Sukhdevi @ Sukhdei

....Petitioner

Versus

State of Haryana & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Gurinder Pal Singh, Advocate
for the petitioner.

Mr. G.S.Wasu, Addl. AG, Haryana.

Mahesh Grover, J. (Oral)

The petitioner is the widow of Constable Nafe Singh, who died in harness on 18.11.1998. A prayer for compassionate assistance/employment was made pursuant to the prevailing policy of 1995. It is pertinent to mention here that this policy envisages only employment to the members of the family but no financial assistance. The petitioner's son was a minor and could not be accommodated in the employment as even after three years of the death he would not have attained majority.

The case of the petitioner, thus, remained undecided in terms of the policy. In the meantime, the policy of 1995 was substituted of policy 2003 and 2005, which envisaged grant of financial assistance to the dependent of the deceased employee as ex gratia payment. The State of Haryana took a policy decision on 16.03.2011 providing one time relaxation for providing ex gratia compensation in old cases pertaining to the period prior to 01.08.2006 even if no option had been exercised by the claimants seeking one

time compensation under the new policies. This policy has been appended along with the petition as Annexure P-7 and the government thus, granted a consideration in all such cases to give one more chance to exercise their option within a period of six months from the issuance of the instructions.

This policy having come into force on 16.03.2011, the petitioner responded to it by exercising her option in terms thereof on 20.04.2011 i.e. within the prescribed period.

This facts are not denied by the respondents but the claim of the petitioner is being negated on the ground that her case had to be considered in accordance with the policy of 1995 and not thereafter.

On due consideration of the matter, I am of the opinion that once the State took a conscious decision to accommodate all such claimants, who had failed to exercise the option pursuant to policy of 2003 and 2005 and grant them this benefit of ex gratia payment as one time measure, and the petitioner having responded within stipulated time, the respondents cannot deny the benefit to the petitioner on this consideration particularly when the existence of the policy has not been denied.

Learned counsel for the respondents relies on the Full Bench decision of this Court referred in ***Krishna Kumari vs. State of Haryana & ors., 2012(2) SCT 736***, according to which the petitioner is not entitled to the ex gratia compensation.

I am afraid this decision came much after the decision of the policy and the respondents bound themselves to a concession given by them and thus, cannot now deny the claim of the petitioner

by taking shelter behind the observation of the Full Bench.

Consequently, the petition is accepted and the respondents are directed to release one time ex gratia payment to the petitioner, forthwith but not late than 3 months from the date of receipt of certified copy of the order.

17.09.2015
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(Mahesh Grover)
Judge