

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

CWP No.23520 of 2013 (O&M)
Date of Decision: **August 17, 2015**

Krishna Devi	Versus	...Petitioner
UHBVNL and others		... Respondents

CORAM : HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Naveen Daryal, Advocate
for the petitioner.

Mr. P.S. Poonia, Advocate
for the respondents.

The father of the petitioner Shri Hukam Chand, expired on 20.02.1997 while in service. The petitioner approached the Civil Court on 31.10.2003 by filing application under Section 372 of the Indian Succession Act for grant of Succession Certificate. Pursuant to the judgment of the Civil Court dated 22.10.2008, the said certificate was issued on 15.06.2011.

Thereafter, the petitioner made a representation to the respondents for providing her employment as per Ex-gratia Employment Rules, 2003. It has come on record that the said Rules were repealed by policy dated 01.08.2006. On 16.03.2011 (Annexure P-5), the Chief Secretary, Government of Haryana addressed a letter to all Heads of Departments, wherein, it was stated that there are certain old cases, wherein, the families of the deceased could not exercise their option to avail ex-gratia financial assistance because of lack of knowledge of the instructions or for any other reason, because

of which the benefit under the ex-gratia scheme had become time-barred. The Government has decided to reconsider those cases and give one more chance as one time measure to exercise their option within a period of six months and not thereafter from the issuance of such instructions.

The grievance of the petitioner is that despite her representation to the department to give her benefit in terms of 2006 policy and the letter dated 16.3.2011, she was not given an opportunity to exercise the option.

Learned counsel states that he would be satisfied if this petition is disposed of with a direction to consider the claim of the petitioner for grant of benefits in term of the 2006 policy.

Accordingly, without commenting on the merits of the case, this writ petition is disposed of with a direction to the respondents to consider the case of the petitioner in terms of instructions/letter (P-5) to grant her the benefit in terms of the policy dated 01.08.2006. Her case be considered and decided expeditiously, preferably within a period of three months from the date of receipt of this order. In case, she is found entitled to the benefit in terms of the said instructions and policy, the same be given to her within a period of 3 months, thereafter.

August 17, 2015

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(HARINDER SINGH SIDHU)
JUDGE