

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 314 of 2014 (O&M)
Date of decision : May 12, 2015

Smt. Debo Devi,

..... Petitioner

v.

UHBVN Ltd and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

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

Mr. PS Poonia, Advocate
for the respondents.

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 ?**

Ajay Tewari, J (Oral)

By this writ petition, the petitioner has claimed that she be given financial assistance under the Haryana Compassionate Assistance to the Dependents of Deceased Govt. Employees Rules, 2006 (for short “the Rules of 2006”).

Brief facts are that the husband of the petitioner died in harness in the year 2002. In the first instance, she prayed for compassionate appointment to her son. Thereafter, at one stage, it is stated that she opted for lump sum payment of ₹ 2.5 lacs. However, her case was not finalized but by letter, Annexure P-3, dated 15.03.2007, she was asked to submit a

fresh option as to whether she wanted to get financial assistance under the Rules of 2006. In response to this letter, the petitioner opted for the benefits under the Rules of 2006. These benefits have been denied on the ground that the Chief Secretary, Haryana had issued some instructions to the effect that where the PPO had been issued prior to coming into force the Rules of 2006, such cases would not be covered under the Rules of 2006.

Counsel for the petitioner has relied upon the decision in Sushila Devi v. State of Haryana, 2009(3) SCT 715 where, in an identical situation, this Court while relying upon the Division Bench decision of this Court in Raj Kumari v. Uttar Haryana Bijli Vitran Nigam Ltd and others, 2008(4) SCT 411, held that the Chief Secretary's clarification cannot have over-riding effect over the Rules.

In the present case also, the respondents themselves, vide Annexure P-3, asked the petitioner for a fresh option since nothing had been granted to her under the existing Rules. In the circumstances, this fictional distinction which is sought to be drawn on the ground that the PPO had been issued and the case had been finalized cannot be sustained. Had it been a case where before the issuance of Annexure P-3, the claim of the petitioner had been allowed in any form, it may have been different but the fact of the matter is that till the issuance of Annexure P-3, no benefit had been granted to the petitioner under any scheme for compassionate employment/assistance. Consequently, this writ petition is allowed and the petitioner is held entitled to claim the benefits under the Rules of 2006. The respondents are directed to work out the arrears and pay the same to the petitioner within two months from the receipt of a certified copy of this

order, failing which the petitioner would be entitled to claim the same with interest @ 8% pa from the date/s the amount/s fell due till the date of payment.

May 12, 2015
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(AJAY TEWARI)
JUDGE