

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

CWP No.4450 of 2013

Date of Decision: 14.01.2015

Smt. Munni

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr. Amit Kohar, Advocate
for the petitioner.

Dr. Sushil Gautam, DAG, Haryana

Ms. Kshitija Mittal, Advocate for
Mr. Pardeep Solath, Advocate
for respondent No.4.

Amol Rattan Singh, J (Oral)

Learned counsel for the respondents submit that the petitioners' case for ex-gratia financial assistance, after the unfortunate death of her husband on 24.04.2011, while he was working as a Salesman with the Klawar Primary Agricultural Cooperative Society Ltd. (respondent No.4), cannot be accepted as the terms and conditions of services of the employees of the said Society are governed by the Primary Cooperative Credit and Services Societies Staff Services Rules, 1992, which do not provide for any such assistance/compensation.

Though, subsequently, the Registrar, Cooperative Societies, Haryana, issued instructions dated 09.06.2011 and 29.08.2011, granting benefit of Ex-gratia compensation amounting to Rs.2.5 lacs, to the family of

the deceased employees, the said instructions, again unfortunately, do not come to the aid of the petitioner, as her husband had expired prior to the issuance of the said instructions.

The reply further states that an order to that effect has been passed by the Manager of the respondent-Society on 12.12.2012, a copy of which has been annexed as Annexure R-4/3, which the learned counsel for the petitioner denies that the petitioner ever received.

In the said order, a reference has also been made to a decision of this Court in CWP No.18951 of 2010, titled as **Smt. Bala Devi Vs. State of Haryana and others**, decided on 16.01.2012, to the effect that the instructions cannot be made applicable retrospectively.

In my opinion, the aforesaid order suffers from no legal infirmity, inasmuch as, instructions for any kind of assistance by way of benefit to employees/deceased employees cannot be given effect to from a date earlier than that which is contained in such instructions. If they were to be given retrospective effect, without there being any provision for the same, there would be no end to the retrospective applicability of any instructions issued.

In view of the above, the writ petition is dismissed.

However, obviously, in case the petitioner is entitled to any

other kind of relief offered to widows, even as normal citizens, other than by virtue of being widows of employees of any organization, the petitioner would be naturally at liberty to seek such benefits from the authority concerned.

January 14, 2015
vcgarg

(Amol Rattan Singh)
Judge

Note: 1. To be referred to the Reporters or not? Yes
 2. Whether the judgment should be reported in the Digest?