

Sr.No.233

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-9855-2013(O&M)

Decided on: 15.10.2015

Mamtesh RaniPetitioner

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Manoj Chahal, Advocate for the petitioner.
Mr.G.S.Wasu, Addl. A.G. Haryana.

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Mahesh Grover, J

The petitioner has filed the instant writ petition with a prayer to quash letter/order dated 18.10.2011 by which the claim of the petitioner for financial assistance on account of the death of her husband has been restricted to 20 days of service on the premise that the deceased had worked only for 20 days when he died in harness.

On a prior occasion, the petitioner had come to this Court with a similar prayer but without impugning the order dated 18.10.2011. This Court while disposing of the petition directed the respondents to grant the benefit contemplated in this order with liberty to the petitioner to impugn the same. The present writ petition is the result of the aforesaid indulgence.

The husband of the petitioner Sh.Sanjay Kumar was appointed to the post of Junior Engineer (Civil) (BBMB) by the General Manager, Haryana Irrigation Department vide appointment letter dated 01.01.2009 after following due process including verification of medical fitness. He expired on 22.02.2009.

The respondents have restricted the claim of the petitioner to the period of service rendered by the deceased by referring to Rule 5, the relevant portion of which is extracted here below:

“On the death any Government employee, the family

of the employee would continue to receive as financial assistance a sum equal to the pay and other allowances that was last drawn by the deceased employee in the normal course without raising a specific claim.”

On due consideration of the matter, I am of the view that the restrictive interpretation placed by the respondents on the words “ *Pay and other allowances 'last drawn' by the deceased employee*” is erroneous. The last pay and allowances admissible to an employee would be the pay scale in which the employee was placed in the regular employment. Any other interpretation can be considered to be oppressive. The regular employee would have continued to serve the respondents had destiny not intervened and therefore, the period of service rendered by him would be of no consequence in the absence of any provision to the contrary. The actual benefits admissible to an employee would be the ones calculated on the basis of pay (in which the employee is placed) and simply because death has intervened prior to the completion of one month does not mean that deceased would not be entitled to entire benefits admissible to a regular employee. The respondents cannot restrict the benefits to the period of service rendered by the deceased employee. Beneficial schemes/policies have always to be given a liberal interpretation so that the eventual purpose of the same is not lost by an interpretation which tends to be oppressive to the cause espoused by the policy.

For the aforesaid reason, the petition is accepted and the petitioner is held entitled to the financial assistance in terms of 2006 Rules and the respondents are directed to re consider the issue in the light of what has been stated above and grant benefits to the petitioner as expeditiously as possible but not later than two months from the date of receipt of certified copy of this order.

15.10.2015**mamta****(MAHESH GROVER)****JUDGE**