

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

**Regular Second Appeal No.4631 of 2011 (O&M)
Date of decision : 26.05.2015**

Haryana State & others ...Appellants
versus

Smt. Sunehri Devi ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Samarvir Singh, DAG, Haryana.

Mr. Harish Bhardwaj, Advocate for the respondent.

RITU BAHRI, J (Oral)

State of Haryana has come up in regular second appeal against the judgments of the trial Court and the lower appellate Court whereby the suit of the plaintiff had been decreed.

Smt.Sunehri Devi plaintiff is a widow of deceased Satbir Singh, who expired during his service. She made an application for her appointment under ex-gratia scheme. She was informed vide letter dated 23.07.1991 that no post lying vacant. Then her case was forwarded to the Transport Commissioner, Haryana, and she was asked to take appointment in any other department as there was no vacancy in the transport department. She had made a request to get a post reserved for her son Harkawar till he attains the age of majority. This request is not considered when he became major in 2001.

The defence of the State of Haryana before the trial Court was that the State had introduced a policy in the year 2004 admitting

that the plaintiff had made an application on 16.07.1993 that she was not keeping good health and this job be kept reserved for her son Harkawar who is studying in Class 5th and whose date of birth is 08.08.1983. The application received from the plaintiff that her son had attained the age of majority in the year 2001 and subsequently the State of Haryana introduced the policy 2006 whereby a provision was made to give assistance to the dependents of the deceased Government employees by making ex-gratia payment. The suit of the plaintiff was decreed that when husband of the plaintiff Satbir Singh had died in the year 1990 at that time the policy giving appointment of ex-gratia was prevailing and the son of the plaintiff was entitled for appointment under the said scheme. The lower appellate Court, on appeal, affirmed the findings of the trial Court.

On 24.04.2015, it was observed that the SLP (c) No.1567 of 2009 filed by the State of Haryana against the judgment of this Court has been dismissed on 12.02.2015 and a direction had been given to the State to extend the benefit of the Haryana Compassionate Assistance to the Dependents of Deceased Government employees Rules, 2006 to the petitioner within two months.

The State has come up in appeal against the above said orders on the ground that after the Haryana Compassionate Assistance to the Dependents of Deceased Government employees Rules, 2006, the plaintiff's son could not be granted appointment on compassionate ground. Moreover, the SLP has also been dismissed on 12.02.2015.

Today, counsel for the State has informed the Court that the Director State Transport Haryana, Chandigarh, vide order dated 26.05.2015, issued and sanctioned that the respondent/plaintiff in the present case shall be released Rs.5 lacs as per the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees, 2006. A copy of the said sanction order has been given to the counsel for the respondent. The necessary benefits under the scheme prevalent have been given. The judgment and decree of the trial Court dated 16.03.2009 is modified to the extent that the application of the plaintiff Ex.D5 is no longer required to be considered for appointment of the son of the plaintiff under the ex-gratia scheme.

In view of the sanctioned order that the necessary benefits have been given to the plaintiff, the present appeal is disposed of.

26.05.2015
Vinay

(RITU BAHRI)
JUDGE