

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

COCP No.164 of 2016

Date of Decision :22.1.2016

Babita Rani

....Petitioner

Versus

Yashpal Singal

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present: Mr. R.K.Malik, Sr. Advocate with
Mr. Vijay Dahiya, Advocate
for the petitioner.

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MAHESH GROVER.J.

Petitioner's claim for ex-gratia appointment/benefits was directed to be considered in terms of Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules 2005, (hereinafter referred to as 'the Rules') the death having taken place in 2006. It was directed by the court that the respondent shall extend the benefit, if any, to the petitioner on the basis of said Rules as they were in existence on the date of death of the concerned person.

The respondent has now passed an order Annexure P-2 granting financial benefits of Rs.5 lacs to the petitioner in terms of Rule 2(ii) which is extracted herebelow :-

“2. Objects of rules :-- In the object of the rules

is to assist the family of a deceased/missing Government employee in tiding over the emergency situation, resulting from the loss of the bread-earner by giving either of the following options :--

- (i)
- (ii) ex-gratia compassionate financial assistance to the family of the deceased, over and above all other service benefits, to be paid @ Rs.5 lacs, in cases where the family of the deceased does not opt for ex-gratia employment or where no such appointment can be offered within a period of three years from the date of making of an application by the eligible dependent member of the deceased Government employee; or”

Learned counsel for the petitioner contends that it is not ipso facto that an application of the aforesaid provisions would invite a conclusion of ex-gratia payment of Rs.5 lacs since the Rule itself is contingent upon a condition where a person who has opted for employment, instead of financial assistance his case would be considered for employment which is to be denied only in case such employment is not available within a period of three years from the date of making an application.

It is the contention of the learned counsel for the petitioner that no such consideration is evident from the order and, therefore, this should be treated as willful disobedience where the case of the petitioner for employment has not been merited at all.

After hearing the learned counsel for the petitioner, I am of the view that there would be no cause to proceed against the respondent under the provisions of the Contempt of Courts Act. If the respondent has placed a wrong interpretation on the Rules, it may not be a case of willful disobedience or non-compliance of the directions of the court. It would rather give a cause to the petitioner to impugn the said order on the grounds that have been urged before this Court.

Therefore, the instant contempt petition is disposed of with liberty to the petitioner to avail himself of his remedies in law. The respondent is directed to look into the content of the legal notice Annexure P-5 and take an appropriate decision thereon in the light of what has been stated above.

22.1.2016
dss

(MAHESH GROVER)
JUDGE