

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 12488 of 2009

Date of decision: 7.11.2016

Sumitra Devi

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ashwani Bakshi, Advocate,
for the petitioner.

Mr. JS Bedi, Addl. A.G., Haryana.

RAJIV NARAIN RAINA, J.(Oral)

I have today passed the order in CWP No.12717 of 2009 titled as ' Smt. Saroj & anr. v. State of Haryana & ors.' in case for financial assistance arising out of the date of death of a Government servant while in service. The claim has been allowed for various reasons recorded in the judgment.

I have heard learned counsel for the parties in this case and find that the matter is similar to the one decided in CWP No.12717 of 2009. There are no distinguishing features except the dates and events and the impugned orders, which are dates considered *mutatis mutandis* but are in pith and substance the same with reference to the common relief. In this case, the death occurred on June 12, 2005 which gave rise to the present case. Even in this case financial assistance was awarded but abruptly stopped by the impugned order dated April 6, 2009 (Annex P-9) and recovery order was passed on April 30, 2009 (Annex P-10). It is surprising that not only the salary was stopped but the family pension as well which

suddenly left the petitioner high and dry. This is the only special feature of this case somewhat different than the one in *Saroj* (supra). But this small difference has no effect on the relief which remains common but with different calculation of money payable.

For the reason already recorded in my judgment passed in the aforesaid petition, I would allow this petition with all consequential benefits and quash the impugned order dated April 6, 2009 (Annex P-9) and the recovery order Annex P-10 and all other notings of the file contrary to the rights of the petitioner by issuing a writ of certiorari. A mandamus is issued to the respondents to release all the benefits to the petitioner. The amounts due under the 2006 Rules be determined within 2 months from the date of receipt of certified copy of this order and paid to the petitioners. The petitioners are held entitled to interest @ 6% on the amounts and the same be also determined and paid along with principal amount within the same period.

(RAJIV NARAIN RAINA)
JUDGE

7.11.2016
monika

Whether speaking/reasoned *Yes*

Whether reportable *No*