

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

Date of decision: 28.11.2016

CWP No.14874 of 2009

Pinky

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Puneet Pali, Advocate, for
Mr. Surinder Mohan Sharma, Advocate, for the petitioner.

Mr. J.S.Bedi, Addl. AG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The petitioner's husband died on 26.08.2004 while serving as Constable in the Police Department, Haryana. She was given financial assistance in terms of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees' Rules, 2006 (for short '2006 Rules'), which came into force on 01.08.2006, in a sum equal to the pay and other allowances that was last drawn by her husband.

Abruptly and arbitrarily, the relief provided to the petitioner was withdrawn vide impugned letter dated 27.02.2008 (Annex P-3) although the notification enforcing the 2006 Rules is clear on the point that all pending matters relating to financial assistance would be decided as per the notification dated 01.08.2006.

Mr. J.S.Bedi, Additional Advocate General, Haryana, points out and rightly so that this matter is covered by a decision rendered by me on 07.11.2016 in CWP No.12717 of 2009 titled 'Smt. Saroj & another Vs. State of Haryana & others', wherein also Mr. J.S.Bedi was the arguing counsel on

behalf of the State. The reasons in *Saroj's* case will be read as reasons in this case.

As a result, the instant petition is allowed and the impugned order dated 27.02.2008 (Annex P-3) is set aside. A writ of mandamus is issued to the respondents to determine the arrears of salary from the date they were withdrawn, in terms of the notification dated 01.08.2006 (Annex P-4) and pay the same to the petitioner in lump sum within a period of two months from the date of receipt of certified copy of this order and continue to pay to her the sum equal to the pay and other allowances of her husband in case it is still available as per the formula adopted in the policy and thereafter she may reverted to family pension scheme. The petitioner will also be entitled to interest at the rate of 6% p.a. on the arrears and the same after calculating them be paid together with the arrears of salary for breaching their own policy. The element of interest would be recoverable from the erring officer/s, who took the decision to pass the illegal impugned order, which will be non-refundable from state exchequer, for which the State is at liberty to hold an enquiry and saddle liability accordingly.

28.11.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether Speaking/Reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>