

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18555 of 2009
Date of Decision:07.12.2016

Mandesh

...Petitioner

Vs.

State of Haryana & another

...Respondents

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

Present:- Mr. Madan Pal, Advocate
for the petitioner.

Mr. J.S. Bedi, Addl. A.G. Haryana.

RAJIV NARAIN RAINA, J. (Oral)

On 22.11.2016, I had passed the following interim order:-

“Heard. Learned counsel for the parties take instructions whether payment of ₹ 2.5 lacs as financial assistance was received by the petitioner under protest or not. In addition, let the original record relating to payment of ₹ 2.5 lacs as financial assistance be produced by the Government on the next date of hearing. List again on 07.12.2016.”

Mr. J.S. Bedi, Addl. A.G. Haryana, has produced a photocopy from the Payment Register where the petitioner is shown to have received a sum of ₹ 2.5 lacs personally under her signatures on revenue receipt on March 27, 2009 in the document dated March 09, 2009 without protest or demur. The document is taken on record as Mark 'A'. Therefore, Rule 6 of Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees' Rules 2006 would not come to the help of the petitioner because she received the amount of ₹ 2.5 lacs available to her

under the Rules of 2003 which were prevalent on the date of death of the breadwinner. The Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees' Rules 2005 came into existence on November 18, 2005 would also not be helpful to the petitioner as an application can not be treated as legally pending to reap the benefit of Rule 6 of 2006 Rules. The State had discharged its full liability towards the petitioner by payment of ₹ 2.5 lacs, especially when the money was received in 2009 in face of the 2006 Rules. There is not even an iota of explanation in the writ petition as to the circumstances under which the petitioner put her signatures on the Payment Register and readily received the amount of ₹ 2.5 lacs in 2009 without protest and appropriated that money for this court to consider award of any further relief. Accepting financial assistance as per rules amounts to waiver and acquiescence thereby surrendering other rights, if any.

Accordingly, there is no merit in this petition and it stands dismissed.

(RAJIV NARAIN RAINA)
JUDGE

07.12.2016

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Whether speaking/reasoned

Yes

Whether reportable

No