

CWP No. 18600 of 2009

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 18600 of 2009(O&M)

Date of Decision:02.12.2016

Rajinder

...Petitioner

Vs.

The Managing Director UHBVN Ltd.

...Respondents

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

Present:- Mr. Mahavir Sandhu, Advocate
for the petitioner.

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

RAJIV NARAIN RAINA, J. (Oral)

It may be mentioned that the view of the Full Bench of this Court in Krishan Kumar Vs. State of Haryana and others 2012 (2) SCT 736 was that policies on the date of death are applicable. The SLP No.(C) 12110 of 2013 decided on 28.1.2015 filed by the State against the decision has been dismissed by the Supreme Court but the question has been left open. The petitioner cannot have his own cake and eaten it too. The family has received financial assistance from the Nigam in a sum of Rs. 2.5 lacs as per the Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules 2003 as adopted by the Nigam. The death of the breadwinner through whom the claim is made occurred on 04.10.2001 i.e before this scheme came into operation creating for the first time right to financial assistance in addition to compassionate appointment. The petitioner having benefited from the 2003 Rules by an Act of the employer cannot turnout and demand ex gratia appointment as well, as both are

CWP No. 18600 of 2009

mutually exclusive and I find no ground to interfere in this matter and would dismiss the petition.

(RAJIV NARAIN RAINA)
JUDGE

02.12.2016
neeraj

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No