

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 16132 of 2010

Date of decision: 12.12.2016

Naresh Kumari Bakshi

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. TK Joshi, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J.(Oral)

The state has not disputed the right to financial assistance to the petitioner under the provisions of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006, while foreclosing the case of the petitioner for providing compassionate appointment. The petitioner is the widow of Joginder Kumar Bakshi, Wild Life Guard, who died while in service on May 6, 2006. In the first instance, she made a prayer for compassionate appointment for herself as she was qualified to hold a post under the Government and in the alternative prayed that she may be given financial assistance in terms of the scheme of the Government prevailing. Her case for ex-gratia appointment lingered on and for reasons which need not be gone into, reached the stage of issuance of memo dated May 12, 2010 whereby she was informed through the Wild Life Inspector, Pipli that the memo would be delivered to the petitioner after obtaining acknowledgment with the assurance of sending it back to the

office of the competent authority to process the claim. The memo reads as follows:-

“On the subject cited above you are hereby informed that now there is no provisions of providing employment. You are requested to take action in the matter as per para 6 of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006.”

The memo was received by the petitioner on June 18, 2010 as the Annex P-12 reveals her signature in acceptance of the letter.

After receiving this letter, the petitioner still thought it fit to press for her right to compassionate appointment by filing the present petition and that is how the matter has come up for final disposal in a bunch of cases involving compassionate appointment and financial assistance to the families of deceased Government servants. The Court is informed that the petitioner is no longer of employable age and therefore by passage of time, this Court is left with no option but to deny the relief of ex-gratia appointment as it has become incapable of being granted. However, her case for financial assistance in terms of Rule 6 of the 2006 Rules is not foreclosed. The right subsists and is a very valuable one which will bring financial assistance to her by exercise of option claiming either the benefits under the 2003 Rules or 2005 Rules or the 2006 Rules. Since the petitioner has not exercised that option so far because of the pendency of this petition and the right is not denuded, the respondents are directed to take up her case for financial assistance immediately, call upon her to exercise the option in

accordance with her choice and as per rules and take a final decision within 6 weeks from the date of receipt of a certified copy of this order either from the petitioner or from the Court, whichever is earlier. The right to financial assistance will not be denied even in case the Accountant General (A& E) Haryana, ever expressed his opinion that the petitioner would not be entitled to financial assistance due to release of PPO/GPO which condition is already declared illegal by this Court in Smt. Saroj & anr. v. State of Haryana & ors. (CWP No.12717 of 2009) decided on November 7, 2016. The petitioner's case will be treated as a pending case in terms of Rule 6 of 2006 Rules.

Consequently, this petition is partially allowed by quashing actions and inactions of the respondents with respect to denial of award of money. Meaning thereby, it is dismissed qua compassionate appointment but succeeds on the alternative prayer for compassionate financial assistance in terms of this order.

(RAJIV NARAIN RAINA)
JUDGE

12.12.2016
monika

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>