

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2578 of 2009

Date of decision: 2.12.2016

Rahul Kumar

... Petitioner

Versus

The Sirsa Central Cooperative Bank Ltd. Sirsa

... Respondent

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

Present: Mr. Rakesh Nagpal, Advocate,
for the petitioner.

Mr. Sachin Gupta, Advocate,
for the respondent.

RAJIV NARAIN RAINA, J.(Oral)

The respondent-mill admitted the claim of the petitioner and of his family for financial assistance in terms of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006, which came into force on August 1, 2006. Admittedly, the scheme provided in the rules has been adopted by the respondent-Mill in the meeting of its Board dated September 22, 2006. Consequently, the Mill wrote a letter dated December 30, 2008 (Annex P-7) to the petitioner informing him that his claim for financial assistance has been accepted and he was called upon to submit an application and complete the formalities for grant of monthly financial assistance or lump-sum financial assistance, as the case may be, as per option. In view of this offer, the delay in coming forward deserves to be ignored because the petitioner has been diligently pursuing his remedy for compassionate appointment and may have been afraid if he accepted money he would lose his rights to ex gratia employment. Since money is due and payable and the petitioner has been

litigating, he and his family has a right to claim the benefit of Rules of 2006 as offered to them. While rejecting the claim for compassionate appointment, the respondents are directed to consider the case of the petitioner and his family as per rules and entitlement for financial assistance in terms of the 2006 Rules as per their option. The mother of the petitioner being the rightful owner accompanied by the petitioner may visit the office of the respondents on any working day after prior information and help complete the formalities required by the rules. The respondent-Mill will process the papers without delay and award financial assistance in accordance with these rules within the period of 2 months from the date when the formalities are completed. The petitioner may approach the respondents any time in December, 2016 to start the process.

The petition is allowed to the extent indicated above.

(RAJIV NARAIN RAINA)
JUDGE

2.12.2016
monika

Whether speaking/reasoned *Yes*

Whether reportable *No*