203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17489 of 2012 (O&M)
Date of decision : November 17, 2016

Smt. Parkasho .... **Petitioner**

Versus

State of Haryana and others .... **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Satinder Kumar Rana, Advocate for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Surender Kumar (deceased) S/o Smt. Parkasho, petitioner was working as JBT Teacher in Government School Gagsina, District Karnal. He died in harness on 17.03.2003 at the age of 35 years leaving behind his wife Jaspal Kaur @ Yash Kaur and petitioner Parkasho, mother. Thereafter, petitioner Parkasho, mother applied for grant of succession certificate on 09.01.2004 and the same was ordered to be issued on 24.07.2008 (Annexure P-3) in favour of the petitioner and Jaspal Kaur @ Yash Kaur. Now, the petitioner claims that said Jaspal Kaur @ Yash Kaur was a government employee and that she had married to someone else and had left the house of her deceased son after his death. It also comes out that during the pendency of the petition, on the direction of the Court, said Jaspal Kaur @ Yash Kaur was made party and report was received in the year 2015 that she has already expired. The claim of the petitioner is for grant of monthly financial assistance equal to the last pay drawn by the deceased in terms of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (for short 'the Rules 2006')

In the reply, the State has taken the stand that Jaspal Kaur @ Yash Kaur, wife of the deceased Government employee herself was a Government employee on adhoc basis and was getting the salary of ₹9,000/- per month. Jaspal Kaur @ Yash Kaur had filed an affidavit dated 05.05.2003 (Annexure R-2) in this regard to the Department at the time of applying for grant of ex-gratia grant of ₹25,000/-. Vide order dated 11.08.2003 (Annexure R-3), the said ex-gratia grant of ₹25,000/- was sanctioned. It was further stated that under Rule 8(b) of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003, for the purpose of eligibility of the benefits of said Rules, the monthly income of the family shall not exceed Rs.6,000/- per month from all sources other than family pension. For this purpose, the income of the entire family of the deceased Government employee is taken into account and not just the income of the dependent who has applied for appointment on compassionate grounds. Under Rule 8(d), if spouse of the deceased Government employee is already in Government service, no other dependent member shall be eligible for appointment of ex-gratia compassionate financial assistance.

It is stated that in the present case, Jaspal Kaur, wife of the deceased Government employee was getting salary of ₹9,000/- per month. Therefore, she was not entitled to the said compassionate financial assistance. Thus, even vide order dated 11.08.2003 (Annexure R-3),

₹25,000/- were granted as ex-gratia financial assistance under the Haryana Government Circular letter dated 25.03.1987.

I have heard learned counsel for the parties and have also carefully gone through the case file.

In this case, deceased Government employee died in the year 2003 leaving behind a widow and the mother. The widow of the deceased employee was a government employee at that time and the affidavit dated 05.05.2003 (Annexure R-2) shows that widow had submitted an affidavit to the Department, giving her particulars of income and also details of movable and immovable properties, owned by her, which indicates that she had sought some assistance from the Government on account of death of her husband. In the the affidavit dated 05.05.2003, she had also stated that she is wholly dependent upon the deceased employee. Under the Rules, 2003, she being the government employee, having income more than ₹6,000/- p.m. was not entitled for grant of ex-gratia financial assistance. However, she was granted ₹25,000/- as financial assistance under the Circular dated 25.03.1987.

Once, the ex-gratia assistance is given and it is found that family is not eligible for any other financial assistance, the matter stands closed. If later on, the wife marries somebody else or died, that is no ground to reopen the case under the existing Rules of 2006. The mere ground that in the year 2004, the petitioner being the mother of deceased employee applied for the succession certificate, is not a ground to hold that under Rules 2006, she is entitled to ex-gratia financial assistance. Once the ex-gratia assistance is granted to the wife under Rules and the instructions, the matter stands closed and the claim of the petitioner, being the mother of the deceased-employee was rightly rejected by the Department.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

November 17, 2016
sarita

Whether speaking / reasoned Yes

Whether Reportable: No