

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.12370 of 2014

Date of decision: 01.03.2016

Anju

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Shilak Ram Hooda, Advocate,
for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

Mr. Anand Bhardwaj, Advocate,
for respondent Nos. 3 and 4.

RITU BAHRI, J.

The petitioner is seeking direction to the respondents to give her appointment on compassionate grounds in place of her deceased husband, under the Haryana Compassionate Assistance to the Dependents of deceased Cooperative Sugar Mills Employees Rules, 2005 (Annexure P-9) (for short '2005 Rules').

Husband of the petitioner was employed in the Sonapat Cooperative Sugar Mills Ltd.-respondent No.4 on 05.12.2008 and thereafter, he died on 27.10.2011 as per death certificate dated 27.06.2012 (Annexure P-5). The petitioner, who is widow of deceased, moved an application (Annexure P-6) for ex-gratia appointment to the Managing Director of respondent No.4-Mill, stating therein that she was 10+2 passed and had liability to bring up her two years old son and to maintain her old mother-in-law. Apart from this, she had to maintain her unmarried sister-in-law. The whole family consists of four non earning members and was dependent upon

the income of her deceased-husband. Thereafter, the petitioner made representations dated 05.08.2013 and 27.11.2013 (Annexure P-8) for extending the benefit of compassionate assistance under the policy (Annexure P-9).

The stand taken by the respondents, in their written statement, is that the petitioner's husband had not completed three years of regular service and as per Rule 3 (d) of 2005 Rules, she was not eligible to get the benefits.

However, a perusal of 2005 Rules (Annexure P-9) shows that under Rule 17 in special and exceptional circumstances, to overcome the extraordinary hardship to the family of deceased employee, rules can be relaxed in the cases of children who have become orphans upon the demise of the employee in regard to minimum age.

In the present case, husband of the petitioner had joined the respondent-Mill on 05.12.2008 and thereafter, he died on 27.10.2011. He could not complete three years of service. After giving necessary relaxation of two months, case of the petitioner for appointment on ex-gratia/financial assistance should have been considered by the respondents. The petitioner is to maintain four members of the family of deceased, which includes her own son, old mother-in-law and unmarried sister-in-law.

In view of the above, the respondents are directed to consider the case of the petitioner as per 2005 Rules (Annexure P-9) and grant her the benefit of appointment on compassionate ground, within a period of three months. Report thereof, be sent to this Court within one month thereafter.

Allowed accordingly.

(RITU BAHRI)
JUDGE

01.03.2016
ajp