

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

CWP No.12916 of 2015

Date of decision: 16.05.2016

Sukhdai

...Petitioner

versus

Haryana Urban Development Authority, Panchkula and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. V.D. Sharma, Advocate,
for the petitioner.

Mr. R.S. Longia, Advocate,
for the respondents.

RITU BAHRI, J.

The petitioner is seeking to quash the memo dated 08.08.2013 (Annexure P-7), whereby his claim for grant of Financial Assistance as per Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006 (for short '2006 Rules') has been rejected.

Short question for consideration in this petition is, “whether after implementation of notification dated 01.08.2006 (Annexure P-5) whereby new rules of financial assistance have been introduced by the State.”

The facts not in dispute between the parties are that husband of the petitioner had expired on 20.10.2005. Thereafter, ex-gratia amount of Rs.2.5 lacs had been released in favour of the petitioner vide cheque No.991310 dated 12.06.2008. However, on the date when the payment was made, 2006 Rules had come into operation. As per Rules 6 and 8, all pending cases of ex-gratia assistance would be considered under the new

Rules. Relevant Rules 6 and 8 of 2006 Rules are reproduced as under:-

“6. All pending cases of ex-gratia assistance shall be covered under the new rules. The calculation of the period and payment shall be made to such cases from the date of notification of these rules. However, the families will have the option to opt for the lump sum ex-gratia grant provided in the rules, 2003 or 2005, as the case may be, in lieu of the monthly financial assistance provided under the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006.

8. The Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005, which are in force immediately before the commencement of these rules are hereby repealed:

Provided that families will have the option to opt for the lump sum ex-gratia grant provided in the rules 2003 or 2005, as the case may be, in lieu of the monthly financial assistance provided under these rules:

Provided further that in all pending cases where the family exercises the option to receive the financial assistance under these rules, the calculation of the period and payment shall be made from the date of notification of these rules.”

A perusal of the above Rules shows that the families have to given an option for lump sum ex-gratia grant provided in the Rules 2003 or 2005 in lieu of the monthly financial assistance.

The respondents, without seeking any option of the petitioner, had made payment of Rs.2.5 lacs on 12.06.2008 under 2003 Rules. The necessary procedure for taking the option from the petitioner has not been carried out.

In view of the above, this petition is allowed and a direction is given to the respondents to pass a fresh order as per 2006 Rules (Annexure P-5) after taking necessary option from the petitioner, within a period of three months.

16.05.2016
ajp

(RITU BAHRI)
JUDGE