

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 13097 of 2016

Date of decision: 19.12.2016

Poonam

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. Kamal Sharma, Advocate,
for the petitioner.

Mr. J.S. Bedi, Addl. A.G., Haryana.

RAJIV NARAIN RAINA, J.(Oral)

On 27.9.2016, I had passed the following order:-

“The petitioner is the widow of Jai Parkash, who was a Conductor in the Haryana Roadways. He joined service on 5.8.2008 after completing all the formalities including medical examination etc. He completed his training as Conductor till he suddenly fell ill and expired on 12.7.2011. He left behind the petitioner and a minor daughter born on 7.8.2010. The widow claimed financial assistance from the department following the death of his husband in harness. She relied on the provisions of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006. The criteria for financial assistance is prescribed in Rules 5 and 6 and all pending cases are covered by these rules. In terms of Clause 5(1) (a) of the Rules, the petitioner, it is argued, is entitled to financial assistance for a period of fifteen years or till the employee would have retired from Government

service on attaining the age of superannuation whichever is less, if at the time of the death the employee had not attained the age of 35 years. The petitioner asserts that she is further entitled to grant of family pension under Rule 15.16.1 of the Family Pension Scheme, 1964 (Rule 54) under the heading (b) read with Rule 15.20.2.

The petitioner relies on the decision of this Court rendered in CWP No.10697 of 2013 (Usha Rani & ors. v. State of Haryana & ors.), decided on 7.10.2014 (Annex P-9) and CWP No.27536 of 2015 (Bimla Devi v. State of Haryana & ors.), decided on 29.1.2016 (Annex P-10).

The department has recommended the case of the petitioner to the Haryana Roadways and has sent her application on 27.12.2012 to the higher authorities by claiming benefits under the Rules, but the case has not been processed so far despite passage of 4 years which is bringing untold financial distress and grief to her as she is unable to sustain herself and her daughter for lack of financial resources. In the circumstances, a direction is issued to the competent authority amongst the respondents, i.e. the Director General, State Transport, Haryana, Chandigarh, to take up the case of the petitioner and decide it within three weeks from the date of receipt of a copy of this order and place the findings before this Court on the next date of hearing.

Adjourned to 26.10.2016 for the purpose of response.

Order dasti."

Learned State counsel took time to act as per the above order.

Mr. J.S. Bedi has filed a short affidavit by way of reply of Ashwani Kumar

Dogra, General Manager, Haryana Roadways, Bhiwani in court on behalf of respondents No.1 to 3 in which it is stated that the petition has been rendered infructuous as relief has been granted to the petitioner in terms of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006. The petitioner has been held entitled to draw pay under the monthly Ex-gratia Financial Assistance @ ₹6400+1900 GP w.e.f. July 13, 2011 to July 12, 2026. They have annexed the copy of the last pay drawn order dated December 16, 2016 as Annex R-3/T with the short affidavit. An assurance has been given in para. 6 of the reply to the effect that the financial benefits to the petitioner/dependents will be released as agreed soon after completion of the necessary formalities.

Accordingly, para. 6 of the short reply is accepted as an undertaking to this Court for the department to act promptly and determine the arrears of financial assistance and to pay the same to the petitioner after completion of the formalities preferably within 2 months from the date of receipt of a certified copy of the order, either from the petitioner or from the Court, whichever is earlier and continue the same till July 12, 2026.

The petition stands disposed of accordingly.

(RAJIV NARAIN RAINA)
JUDGE

19.12.2016
monika

Whether speaking/reasoned *Yes*

Whether reportable *No*