

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

Date of decision: 13.12.2016

CWP No.341 of 2010

Jamero Devi

...Petitioner

Vs.

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. G.C.Shahpuri, Advocate, for the petitioner.

Mr. J.S.Bedi, Addl. AG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

The State is not in a position to seriously dispute that the petitioner is entitled to compassionate financial assistance in terms of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees' Rules, 2006 (for short '2006 Rules') and as a matter of fact they are agreeable to make over the benefit to the petitioner as per Rules.

The petitioner, widow of Government employee dying in harness, has no legitimate claim for obtaining compassionate appointment for her son, as no evidence has been placed on record to show undue hardship and acute financial stress faced by the family on the sudden death of the bread winner while in service and thereafter till today. The petitioner's husband died on 27.10.2005 and the Government agreed to process her case for compassionate financial assistance as a "pending" case in terms of Rule 6 of the 2006 Rules.

Consequently, this petition is dismissed qua compassionate appointment, but is allowed in respect of financial assistance, and accordingly her case will be processed by the respondent department after seeking her option in accordance with rules. The benefits be determined and arrears paid to the petitioner as per the applicable provisions of the 2006 Rules.

The petitioner would approach the department within a week and meet with the dealing official/s in office after prior intimation by them for her to visit the office, who would on her appearance on day and date fixed accept her option in writing on the same day and put up the papers before the superior/s for completing the other formalities till passing of the final orders. The entire exercise will be completed within a period of two months from the date of receipt of certified copy of this order from the Court or from the petitioner, whichever is earlier.

Lastly, the petitioner has claimed interest on the arrears of the financial assistance through her counsel during the hearing, which become due to her by this order. However, Mr. Bedi to refute the prayer for grant of interest points out that the department wrote as many as seven letters to the petitioner at the relevant time to come forward and help the department to process her case for financial assistance by exercising her option as per rules but she did not come forward quite evidently in the hope of securing a job for a dependent of the deceased employee and not be seen as waiving the right claimed. Having regard to these circumstances, the request for interest is not acceptable and is declined as the department is not at fault in delaying payments.

The family pension, if paid to the petitioner during the intervening period, shall be adjustable towards the amounts due and payable

through the 2006 Rules when monthly salary becomes payable under the scheme provided therein.

13.12.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>