

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

CWP No. 1784 of 2014

Date of decision : 31.03.2016

Neeta Dua and anr.

...Petitioners

versus

U.H.B.V.N.L & others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Naresh Kaushik, Advocate
for the petitioner.

Mr. Pardeep Singh Poonia, Advocate
for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI , J. (Oral)

The present petition under Article 226/227 of the Constitution of India is for issuance of writ in the nature of certiorari for quashing order dated 27.06.2013 (P-2) and order dated 25.03.2013 (P-3)

The husband of petitioner No. 1 and father of petitioner No. 2 namely Sh Tilak Raj Dua was appointed with the respondent-department vide letter dated 18.06.1966 on a regular post and he joined his duties in the office of XEN, PSEB Jagadhari as LDC on

30.06.1996. He was further promoted to the post of UDC on 09.12.1971 and he took charge of UDC on 14.01.1972 in the office of XEN (OP) HSEB Ambala Cantt. However, unfortunately he expired on 03.08.1995 almost after completing 29 years of regular service in the respondent-department.

Thereafter, petitioners after the death of Tilak Raj Dua prayed for employment of Ishant Dua son of Tilak Raj Due but the same was rejected and petitioners then filed a civil suit and first appeal, which were dismissed and thereafter, they filed RSA No. 1159 of 2011 praying for ex gratia compensation or monetary benefits on account of death of Tilak Raj Dua.

This Court vide order dated 07.11.2012 dismissed the appeal but liberty was granted to the appellant to make an application for grant of ex gratia compensation, in view of the full bench judgment titled as ***Krishan Kumari v. State of Haryana and others 2012 (2) SCT 736*** as such the petitioner are entitled to Rs.2.5 lacs ex gratia compensation as per policy of the Government.

However, respondents vide impugned orders rejected the claim of the petitioners by relying upon Rule 8(f) of Haryana Compassionate Financial Assistance to the dependent of deceased Government Employee, 2003 whereby if the dependent of the deceased Government employee does not become eligible for appointment on

any ground or within 03 years of the death of an employee, he shall not be eligible for ex gratia compassionate financial assistance also

This ground is liable to be rejected in view of 1st August 2006 Policy as in this policy there was no such condition and as per para 6 of this policy wherein it has been stated that 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

Hence in view of the above said policy, the petitioners in the present case can be given ex gratia compassionate financial assistance to the tune of Rs.2.5 lacs.

The writ petition is allowed and order dated 27.06.2013 (P-2) and order dated 25.03.2013 (P-3) are set aside and the respondents are directed to pay the amount of Rs.2.5 lacs to the petitioners along with interest @ 6 per cent per annum w.e.f the date of policy i.e 01.08.2006.

(RITU BAHRI)
JUDGE

31.03.2016

G Arora

GAURAV ARORA
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I attest to the accuracy and
integrity of this document