

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1318 of 2009 (O&M)

Date of Decision: August 16, 2016

The State of Haryana and othersAppellants

versus

DeepakRespondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Ms.Palika Monga, Deputy Advocate General, Haryana,
for the appellants.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J.

The order passed by learned Single Judge directing the appellant-State to provide financial assistance to the dependents of deceased-employee as per the Ex-gratia Scheme/Policy which was prevalent at the time when the case was decided, is under challenge in this intra-court appeal preferred by the State of Haryana.

The facts are not in dispute. The father of the respondent unfortunately died in harness on 02.01.1993. At that time, the respondent was six years' old. He sought appointment on compassionate ground immediately after attaining majority but that relief has been declined by learned Single Judge though with a direction that under the revised Scheme, financial assistance is admissible to the dependents of the deceased-employee and the same be accordingly provided.

We wonder as to why the State of Haryana should challenge the

order of learned Single Judge. During pendency of this appeal, a Full Bench of this Court in Krishna Kumari versus State of Haryana and others (CWP No.4303 of 2009) decided on 20.04.2012, has laid down that claim for ex-gratia benefits as admissible to the dependents of a deceased-Government employee are required to be considered as per the policy which was prevalent at the time when the employee died. Applying the ratio *decidendi* of the Full Bench decision, the respondent can very well contend that he is entitled for appointment in Government service as per the 1988 ex-gratia policy which was in vogue in the year 1993 when he lost his father. Since lesser relief has been granted to the respondent and he has not come forward through any cross-appeal, we find no ground to interfere with the order passed by learned Single Judge. The appeal is accordingly dismissed.

Incidentally, it may also be observed that there is 266 days' delay in filing the appeal and the only vague and evasive plea taken in para No.3 of the application is that "delay has been caused due to administrative reason and official process and time taken by the authorities in dealing with the file". This explanation, in no way, can be held as reasonable or a valid ground for condoning the delay of 266 days. The application (CM No.3481 of 2009) is also accordingly dismissed.

[SURYA KANT]
JUDGE

August 16, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No