

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1361 of 2009 (O&M)

Date of Decision: August 16, 2016

Uttar Haryana Bijli Vitran Nigam Limited and othersAppellants

versus

VikramRespondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Mohnish Sharma, Advocate, 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.

This letters patent appeal assails the order dated 28.01.2009 whereby learned Single Judge has directed that the respondent be permitted to opt either for either 'lump-sum assistance' or for 'monthly assistance' as per the 'Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003 and 2006. In this manner, the claim of respondent for appointment on compassionate ground under the Ex-gratia Policy has been declined.

It may be mentioned that father of the respondent was working as a Lower Division Clerk in the appellant-Corporation when he unfortunately died on 12.12.2004.

The instant appeal has been filed only on the plea that the respondent is entitled to such benefit under the 2003 Rules and not 2006 Rules.

It may be mentioned here that there is 278 days' delay in filing the appeal and the plea taken is that against the judgment of learned Single Judge, Special Leave Petition was filed in the Hon'ble Supreme Court which was dismissed as withdrawn on 09.07.2009 with liberty to avail appropriate remedy. Thereafter, counsel was engaged on 07.09.2009 and the appeal was filed on 03.12.2009. From the averments made in the application (CM No.3598 of 2009) though the delay till withdrawal of the Special Leave Petition stands explained but the authorities have assigned no reason whatsoever for taking almost five months thereafter in filing the appeal when they were fully aware that such like intra-court appeal is required to be filed within 30 days. There is no justifiable ground to condone the delay. The application (CM No.3598 of 2009) is thus dismissed.

Even on merits also, learned Single Judge has declined the relief of employment to the respondent. A direction has been given to the appellants to give option to the respondent to opt for the "lump-sum" or "monthly" financial assistance under the 2003 Rules or under 2006 Rules. There is nothing on record to suggest that the difference in financial benefits between two sets of Rules is so huge that it would tilt an undue favour to the respondent. The 'lump-sum' financial assistance was of Rs.2.5 lacs whereas under 2006 Rules, there is limited monthly assistance admissible to the family of deceased-employee.

Owing to the steep rise in the price index coupled with the fact that the claim of family of deceased-employee has been otherwise found to

be genuine, we decline to interfere with the order under appeal.

Dismissed.

[SURYA KANT]
JUDGE

August 16, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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