

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.28699 of 2013
Date of Decision:- 12.04.2016

Balwinder Kaur

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Vimal Singh, Advocate
for Mr. Ravinder Malik (Ravi), Advocate,
for the petitioner.**

Mr. Ravi Partap Singh, Asstt. Advocate General, Haryana.

**Mr. Viranjeet Singh Mahal, Advocate
for Mr. P.K. Mutneja, Advocate
for respondent Nos.3 and 4.**

RITU BAHRI, J. (Oral)

In the present case the petitioner seeking directions for appointment on compassionate ground to her son, who was minor at the time of death of her husband.

The husband of the petitioner was died on 30.12.1994. She made an application dated 31.12.2009 and 02.02.2010 after the son of the petitioner had attained the age of the majority. Thereafter, the claim of the petitioner was rejected by the respondents.

The stand taken by the respondents in the written statement is that at the time of demise of the petitioner's husband, ex-gratia payment, which was as per the policy prevalent at the time of death was sanctioned

on 16.02.1995. An amount amounting to ten times the salary of the petitioner's husband was paid instantly and the same has been accepted by the petitioner without any protest. The name of the petitioner's son was never registered in the register of minor and as such she has no right to claim appointment after 17 years. The ex-gratia application of the petitioner dated 08.02.1995 (Annexure R-3/1) and the same was accompanied by affidavit (Annexure R-3/2). Thereafter, the payment was given to the petitioner on 18.02.1995, vide cheque No.999690 as per the Rules.

Perusal of Annexure R-3/3 shows that the financial help in the shape of ex-gratia made by the State Government, which was 10 times of the last month emoluments drawn by the employee, subject to a minimum of ₹10,000/- and maximum to Rs.25,000/-. Last salary drawn by husband of the petitioner is ₹2442.50 and a sum of ₹24,425/- was accepted by Balwinder Kaur. The payment has been made as per policy prevalent. The petitioner cannot get any benefit in view of the judgment of Full Bench of this Court in case **CWP No.4303 of 2009** titled as **Krishna Kumari Vs. State of Haryana and others, decided on 20.04.2012 (Annexure P-5)** whereby it was held that a policy which is applicable at the time of death of an employee will be applicable for grant of benefit. Since, the petitioner has been granted the benefit as per Annexure R-3/3, therefore, no relief can be granted as per the policy of 2006.

The present writ petition is without any merit and the same is hereby dismissed as such.

April 12, 2016
naresh.k

(**RITU BAHRI**)
JUDGE