

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

**CWP No.27549 of 2015
Date of Decision: 08.02.2016**

Shashi BalaPetitioner
Versus
State of Haryana & othersRespondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE LISA GILL**

Present: Dr. Surya Parkash, Advocate for the petitioner.

RAJIVE BHALLA, J (ORAL)

The petitioner prays for issuance of a writ of certiorari quashing Rule 3 of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules, 2006 (hereinafter referred to as “the Rules”), as being discriminatory and violative of the law settled by the Hon'ble Supreme Court in **State Adhyapak Sangh & ors. Vs. State of Haryana & ors., 1988 (4) SCC 571** and **Haryana State Adhyapak Sangh & ors. Vs. State of Haryana & ors., 2000 (1) SCT 960** and also for a writ of mandamus directing the respondents to release financial assistance to the petitioner as per clause 5(c) of the Rules.

Counsel for the petitioner submits that the petitioner's husband was working as a Science Master in S.D. Senior Secondary School, Jind, from 02.01.1985 but unfortunately passed away on 25.02.2015 while in service. At the time of his death, the petitioner's husband was drawing a

salary of Rs.30,640/- per month in the pay scale of Rs.9300-34800. The petitioner was paid death-cum-retirement gratuity but has not been paid any amount under clause 5(c) of the Rules. The petitioner addressed a letter to the respondents to release financial assistance in terms of clause 5(c) of the Rules but the District Education Officer, Jind, has rejected the prayer on the premise that the said Rules do not apply as the petitioner's husband was working in an aided private school.

Counsel for the petitioner also submits that the Rules are discriminatory as they draw a distinction between teachers in Government service and teachers of aided schools. The distinction so drawn, is contrary to the judgments in **State Adhyapak Sangh and others'** and **Haryana State Adhyapak Sangh's cases (supra)**.

We have heard counsel for the petitioner but are not inclined to entertain the writ petition for the reason that though retiral benefits may be required to be paid at par with Government employees but compassionate assistance, which is a substitute for the original scheme of compassionate appointment of dependants of a deceased employee are confined to employees working in Government Departments. The petitioner's claim of parity on the basis of the ratio of judgments of the Hon'ble Supreme Court in our considered opinion would not enure to her benefit as the petitioner's husband was a private employee, though of an aided school.

Consequently, finding no merit, the writ petition is dismissed.

[RAJIVE BHALLA]
JUDGE

08.02.2016
Vinay

[LISA GILL]
JUDGE