

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

**CWP No.4398 of 2014 (O&M)
Date of decision: 29.02.2016**

Smt. Veena Rani

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jasdev Singh Mehndiratta, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

Mr. Pardeep Singh Poonia, Advocate,
for respondent Nos. 2 and 3.

RITU BAHRI , J.

The petitioner, by way of present petition, is seeking to quash the order dated 29.10.2013 (Annexure P-11) passed by respondent No.3 and orders dated 26.04.2006 and 28.02.2007 (Annexures P-7 and P-9 respectively) passed by respondent No.2, whereby her claim for grant of appointment on compassionate grounds has been rejected.

Heard, counsel for the parties.

As per the seniority list (Annexure R3/6) maintained by the respondents, name of the petitioner figured at serial No.297 and appointments to Class-IV employees under the ex-gratia scheme have been given up till serial No.245. Hence, the petitioner could not be given compassionate appointment under the Haryana

Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003 (for short '2003 Rules'). Thereafter, the Haryana Government framed new Ex-gratia Rules, 2006, which came into force w.e.f. 01.08.2006 and were circulated on 07.09.2006 (Annexure R-3/7). The case of the petitioner was pending when these new rules came into force. Hence, the claim of the petitioner is to be considered under the new Ex-gratia Rules, 2006, which came into force on 01.08.2006.

In reply, the respondents have taken a stand that all the pensionary benefits have been given to the petitioner and she is only entitled for a sum of Rs.2.5 lacs as per 2003 Rules, which was prevalent at the time of death of her husband, who had died on 09.05.2004.

As per Rule 6 of notification dated 01.08.2006, all pending cases of ex-gratia assistance shall be covered under the New Rules and the families will have an option to opt for the lump sum ex-gratia grant provided in the Rules 2003 or 2005 in lieu of the monthly financial assistance provided under Rules 2006.

Rule 6 of 2006 Rules (Annexure R-3/7) is reproduced as under:-

“6. 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.”

As per seniority list (Annexure R-3/6), name of the

petitioner figured at serial No.297 and the appointments had been made upto serial No.245. As per Rule 6 of 2006 Rules, the petitioner was to given an option to claim ex-gratia provided in Rules 2003 or 2005. In view of the seniority list, her case did not come up for consideration under 5% quota meant for ex-gratia employment as per policy dated 09.06.2003 (Annexure R-3/5). Hence, she was entitled for ex-gratia financial assistance of Rs.2.5 lacs under 2003 Rules.

A Co-ordinate Bench of this Court in **Usha Rani and others Vs. State of Haryana and others**, 2015 (1) PLR 153, had allowed a petition, where husband of the petitioner, who was serving as driver in Haryana Roadways, had died after 9 months of entry into Government service. The writ petition was allowed by giving direction to the respondents to give benefit to the petitioner under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006, even though he had served only for 9 months after joining as driver on regular basis.

In view of the decision given in **Usha Rani's** case (supra), this petition is allowed and the respondents are directed to make payment of Rs.2.5 lacs to the petitioner along with interest at the rate of 9% from the date of death of her husband till actual realization, within a period of three months and compliance report thereof, be sent to this Court.

29.02.2016
ajp

(RITU BAHRI)
JUDGE