

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1259 of 2016 (O&M)
Date of Decision: September 15, 2016

Balbir Kumar SharmaAppellant
versus
State of Haryana and othersRespondents

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

Present: Mr.S.K.Sharma, Advocate, for the appellant.
Mr.R.D.Sharma, Deputy Advocate General, Haryana.

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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. (Oral)

Notice of motion.

On our asking, Mr.R.D.Sharma, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Let four copies of the complete paper book be handed-over to him during the course of day.

Heard learned counsel for the parties.

This intra-court appeal is directed against the order dated 13.05.2016 passed by learned Single Judge whereby the appellant's writ petition has been dismissed on the ground of delay and laches. In the writ petition, the appellant sought financial assistance under the ex-gratia policy on account of unfortunate demise of his wife Smt.Sumitra Devi who died on 30.03.1982. She was working as JBT Teacher.

It appears that the appellant applied for employment of his son on compassionate ground in the year 1983 but that request was turned down

as he had not attained majority. He again applied for such employment

which was denied in the year 1996 for his failure to apply within three years of death of his wife. After a considerable gap, the appellant appears to have sought ex-gratia financial assistance and finally such claim was rejected on 17.12.2008 on the ground that as per the Government Instructions which were applicable on 30.03.1982, i.e., at the time of death of his wife, “no financial assistance of Rs.2.5 lacs or Rs.5.0 lacs was available”. The appellant has been able to trace out a policy dated 22.12.1970 (P-1) whereunder financial assistance upto Rs.15,000/- could be granted. It appears that this policy was not in the knowledge of the authorities when his claim for financial assistance was turned down.

While we do not express any views as to whether the appellant is entitled to financial assistance under that policy but his claim for such assistance having been rejected on an erroneous premise, we allow this appeal in part; modify the order of learned Single Judge and dispose of the appellant's writ petition with a direction to the Competent Authority to re-consider his claim for financial assistance in terms of the Government Policy which was in vogue at the relevant time. If the appellant is found entitled to any benefit and if such benefit has not been released in past, let the needful be done within a period of four months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

September 15, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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