

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

LPA No. 706 of 2016 (O&M)

Date of Decision: 02.05.2016

State of Haryana and anr.

... Appellants

vs.

Mamtesh Rani

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Ankur Mittal, Addl. A.G., Haryana
for the appellants.

RAJESH BINDAL,J

The instant appeal has been filed by the State against the impugned order dated 15.10.2015 passed by learned Single Judge whereby writ petition filed by the petitioner was allowed.

The husband of the petitioner joined as Junior Engineer (Civil) (BBMB) in the irrigation department on 01.01.2009. He unfortunately expired on 22.02.2009. The State of Haryana framed Rules named i.e. 'The Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006', (for short, '2006 Rules') in terms of which financial assistance is to be granted to the family of a deceased government employee for different periods depending upon the age of the deceased. The stand of the State, which was rejected by learned Single Judge is that the deceased had only worked for 20 days, so the amount, payable to his widow, should have been calculated for 20 days every month, which is payable for a period of 12 years in terms of the age of the deceased employee.

After hearing learned counsel for the State, we find that the learned Single Judge has rightly declined to accept the plea of the State and as set up by the department in communication dated 18.10.2011, restricting the claim of the petitioner to the period of service her deceased husband had rendered by referring to Clause 5 of the 2006 Rules. The interpretation as is sought to be given to Clause 5 of 2006 Rules is totally misplaced as it has to be interpreted in a purposive manner in a beneficial policy. It is unfortunate case where an employee died merely after 20 days of the service, but his salary is to be calculated on month to month basis and not merely for a period, he actually worked. While concurring with the findings recorded by the learned Single Judge, we do not find any merit in the present appeal. The same is accordingly dismissed.

The differential amount would be paid to the respondent within a period of one month from receipt of copy of the order. In case the said amount is not paid within the time stipulated, the same shall carry interest @12% per annum from the date of the impugned order passed by learned Single Judge till payment is made.

(Rajesh Bindal)
Judge

02.05.2016
dinesh

(Harinder Singh Sidhu)
Judge