

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Letters Patent Appeal No.781 of 2016 (O&M)

Date of Decision: May 10, 2016

State of Haryana and others

.....Appellants

versus

Smt.Sukhdevi @ Sukhdei

.....Respondent

CORAM:HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.Vishal Garg, Additional AG, 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?

A.B.Chaudhari, J. (Oral)

In this intra-Court appeal, the appellant-State of Haryana has laid challenge to the judgment and order dated 17.09.2015 passed in CWP No.1749 of 2013 by which the learned Single Judge has directed the appellants to release one time ex-gratia payment to the respondent.

In support of the appeal, learned Additional Advocate General, Haryana, submitted that the policy dated 16.03.2011 providing one time relaxation in old cases, was inapplicable to the case of the respondent-petitioner Smt.Sukhdevi@ Sukhdei as she had though exercised the option but not obtained the benefit within the stipulated time i.e., prior to the policy dated 16.03.2011 came into force.

We have heard learned State counsel and perused the record.

We find that it is an admitted position that the respondent did not actually get the benefit of any of the policies, i.e., of the years 1995, 2003 or 2011. The object of every such policy was to provide ex-gratia benefit to the widow of a Government employee who died in harness during the relevant period governed by one or the other policies. The husband of the respondent-petitioner unfortunately died on 18.11.1998 when the 1995 policy was in vogue. No benefit under that policy was given to her. Subsequently, the policy decision dated 16.03.2011 was taken to provide one time relaxation in old cases of prior to 01.08.2006. The case of the respondent fell in that category of prior to 01.08.2006 and therefore, she was entitled to be considered for the ex-gratia payment on the basis of one time relaxation.

In view of the above, we do not find any merit in the instant appeal.

Dismissed.

[SURYA KANT]
JUDGE

[A.B.CHAUDHARI]
JUDGE

May 10, 2016

mohinder

CM No.1601 of 2016 in
LPA No.781 of 2016

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State of Haryana and others vs. Smt.Sukhdevi @ Sukhdei.

Present : Mr.Vishal Garg, Additional AG, Haryana.
for the applicant-appellants.

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Since we have decided the appeal on merits, no
separate order is required to be passed on this application for
condonation of delay of 162 days in filing the appeal.

(SURYA KANT)
JUDGE

May 10, 2016
mohinder

(A.B.CHAUDHARI)
JUDGE