

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11291 of 2009

DATE OF DECISION: March 28,2017

Saroj Bala

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms.Salina Chalana, Advocate for the petitioner.
Mr.J.S.Bedi, Additional Advocate General, Haryana.

AJAY TEWARI, J.

The husband of the petitioner died in harness on 9.5.2006. By this petition, she is claiming the financial assistance as provided under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (for short, 'Rules 2006').

The claim of the petitioner for compassionate appointment was rejected informing that her case would be considered under the Haryana Compassionate Assistance to the Dependents of Govt. Employee Rules, 2005.

The case of the petitioner is that her claim was pending under consideration when the Rules 2006 came into being and, therefore, non-grant of the benefit under the Rules 2006 is illegal and arbitrary. This wrongful decision of the authorities is the genesis of the present petition.

Mr.J.S.Bedi, learned Additional Advocate General, Haryana is not in a position to show as to why the claim of the petitioner was not considered under the more beneficial Rules of 2006 which was in existence by that time, when the claim of the petitioner is under consideration.

In the writ petition, the petitioner has claimed that she is interested in getting the monthly assistance as per Rules 2006.

In the circumstances of the case, I deem it appropriate to allow the prayer made in the petition. The respondents are directed to release her the monthly assistance along with arrears, as per Rules 2006, to be paid within a period of three months from the date of receipt of a certified copy of this order, failing which the petitioner would be entitled to claim the same with interest at the rate of 12% per annum from the date(s) the amount(s) fell due.

March 28,2017
KD

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable:

Yes/No