

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

CWP No.12115 of 2009

Date of Decision:17.02.2017

Saroj Bala and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Ajay Kaushik, Advocate for the petitioner.

Mr. J.S. Bedi, Addl. A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

First petitioner's husband died on 30.1.2004 in a road accident while he was in service. The Ist petitioner was extended benefit of some financial assistance namely payment of salary for a period of 12 years from 1.8.2006 vide Annexure P-5 dated 16.3.2007. Later on the respondents came to know that extending the benefit of salary from 1.8.2006 is contrary to instructions/rules issued by the Chief Secretary, Government of Haryana. Further an observation has been made in Annexure P-6 that the death of police official before 1.8.2006, they are entitled to get family pension and compassionate financial assistance of Rs.2.5 lac/5 lac. Hence, the Ist petitioner has to exercise option by making necessary application for grant of compassionate financial assistance etc. The respondents abruptly stopped extending the payment of salary to the Ist petitioner pursuant to Annexure P-5 in the month of February 2008. The Ist petitioner had the right to salary for a period of 12 years w.e.f. 1.8.2006 vide Annexure P-5. The same has been stopped by oral instructions of the department. Consequently, Annexure P-6 dated 28.2.2008 has been issued stating that the petitioner is

not entitled for monthly salary and she is entitled to compassionate financial assistance of Rs.2.5 lac/5 lac.

Perusal of Annexures P-5 and P-6, it is evident that before stating or withdrawing Annexure P-5 that payment of salary on monthly basis, the petitioner has not been heard, no notice has been given and in fact no formal order is also passed. In other words, abruptly stopped the payment of salary.

Therefore, the respondents are directed to issue necessary notice to the petitioner stating that the petitioner is not entitled for monthly salary as granted vide order dated 14.3.2007 w.e.f. 1.8.2006 for a period of 12 years in terms of instructions/rules etc by quoting relevant para/rule. After receipt of reply from the petitioner then the respondents are directed to proceed further in accordance with law. The above exercise shall be completed by the concerned respondent within a period of three months from today. However, no action has been taken in writing for stopping the salary from February 2008. Hence, the Ist petitioner is entitled for salary every month till final decision is taken for withdrawing/cancelling or modification of Annexure P-5 dated 14.3.2007 in writing. The respondents are directed to calculate arrears of salary during the intervening period and disburse the same to the petitioner within a period of three months from today.

Writ petition stands disposed of in the above terms.

17.02.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No