

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11657 OF 2012
DECIDED ON: DECEMBER 13, 2017

CHANNO DEVI

.....PETITIONER

VERSUS

THE DGM 'OP' DIVISION, DAKSHIN
HARYANA BIJLI VITRAM NIGAM
AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Siddhartha Yadav, Advocate
for the petitioner.

Mr. Deepak Balyan, Advocate,
for respondents No. 1 to 5.

Ms. Aakanksha, AAG, Punjab.

JASPAL SINGH, J.

Through instant petition preferred under Article 226 of the Constitution of India, petitioner has sought issuance of a writ in the nature of mandamus directing the respondents to grant ex-gratia compensation amounting to Rs.5 lacs along with interest from the date of rejection of the claim of the petitioner for compassionate appointment to the son of the petitioner.

2. Undisputably, when the son of the petitioner was found to be not qualified for compassionate appointment, the petitioner was advised to move the request for the grant of ex-gratia compensation under the policy dated

28.02.2003. Accordingly, after considering the case of the petitioner, a sum of

Rs.2.5 lacs was granted but still the petitioner was not satisfied with the same and approached this Court by way of above petition.

3. Concededly, the husband of the petitioner breathed his last on 08.11.2005 during service and at that time, Rules of 2003 were applicable, which provided for the grant of ex-gratia to the tune of Rs.2.5 lacs. However, subsequently, Rules 2005 were issued which became operative w.e.f. the date of its issuance i.e. 18.11.2005 whereby the compensation was enhanced from Rs.2.5 lacs to Rs.5 lacs. However, the case of the petitioner is not covered by the Rules of 2005 as only the Rules 2003 were operative on the date, the death of the husband of the petitioner occurred. Thus, the amount of compensation already granted has rightly been granted to the petitioner.

4. Accordingly, finding no merit in the instant petition, the same is dismissed.

DECEMBER 13, 2017
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*