

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

Sr. No.205

Civil Writ Petition No.22335 of 2010

DECIDED ON: September 12, 2017

SAVITRI

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. K.S. Dhanora, Advocate,
for the petitioner.

Mr. Charanjit Singh Bakshi, Addl. A.G., Haryana,
for respondents No.1 to 4.

Mr. Dheeraj Chawla, Advocate,
for respondent No.5.

JASPAL SINGH, J. (ORAL)

By virtue of instant civil writ petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of mandamus directing the respondents to grant the monthly financial assistance to the petitioner equal to the pay and other allowances that was last drawn by the deceased employee – Sh. Satbir Singh in the normal course from the date of his death till the date of his

superannuation in terms of Govt. instructions/notification dated August 01, 2006 (P-3) & release the arrears with interest and further direction to the respondents to grant all other retiral benefits like gratuity, leave encashment, GIS, GPF etc. admissible to the petitioner on account of death of Satbir Singh.

2. At the very outset of the arguments, it has been clearly conceded by learned counsel for the petitioner that other retiral benefits like gratuity, leave en-cashment, GIS, GPF etc. which are/were admissible to the petitioner have already been received and the controversy only survives with regard to grant of monthly financial assistance to the petitioner in view of instructions/notifications dated August 01, 2006/November, 2006.

3. Learned State counsel Mr. C.S. Bakshi, Addl. A.G., Punjab has pointed out that the ex-gratia compassionate financial assistance has already been sanctioned in terms of Haryana Govt. circular No.16/138/2001-5GS-II dated March 31, 2003 and payment to the tune of Rs.2,50,000/- in favour of the petitioner-Smt. Savitri Devi has been accorded. The payment of which has already been released/disbursed to the petitioner. However, during the course of arguments, it has emerged that petitioner is entitled to ex-gratia compassionate financial assistance in view of instructions dated November, 2006.

4. In the instant case, husband of the petitioner namely Sh. Satbir Singh, Assistant Pump Operator was taken away by the nature on June 13, 2005. No doubt, at the time of death, the aforesaid instructions dated March 31, 2003 were applicable but subsequently, vide instructions dated November, 2006, petitioner becomes entitled to ex-gratia compassionate

financial assistance. Clause 6 of the aforesaid instructions deals with all pending cases of ex-gratia which are covered under Government Employees Rules, 2006. As far as it relates to compassionate financial assistance to the dependents of the deceased Government employee. This fact has also not been disputed by learned State counsel.

5. In the light of aforesaid discussion, instant petition has rendered infructuous so far as it relates to grant of other retiral benefits like gratuity, leave encashment, GIS, GPF, etc. However, as regards the grant of compassionate financial assistance to the petitioner, only a sum of Rs.2,50,000/- has been released/disbursed to her in the light of old instructions dated March 31, 2003. Since, petitioner is entitled to compassionate financial assistance under the latest instructions dated August 01, 2006.

6. Instant petition is disposed of with a direction to respondent No.2-Engineer-in-Chief, P.W.D., Public Health Branch, Sector 33, Chandigarh to re-consider the grant of compassionate financial assistance in the light of latest instructions dated August 01, 2006/November, 2006 and make the payment of the difference of the amount within a period of one month from the date of receipt of a certified copy of this order.

7. However, with regard to grant of interest on delayed payments, if any, petitioner is advised to file a representation within a period of 15 days to respondent No.2, which shall be dealt with and disposed of within a period of one month thereof in the light of judgment passed by Full Bench of this Court in case ***A.S. Randhawa vs. State of Punjab & Ors., 1997 (3) SCT 468*** as well as judgment passed by this Court in case ***Baldev Singh vs.***

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State of Punjab and Anr., CWP No.24845 of 2015, decided on August 01, 2017.

8. However, if petitioner still feels aggrieved of the orders passed by the aforesaid authority, she shall be at liberty to approach this Court.

September 12, 2017
Ankur

(JASPAL SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No