

CWP-16840-2013 (O&M)

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

***CWP-16840-2013 (O&M)*
Date of Decision : 08.3.2017**

Suresho Devi and another Petitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. Monika Tanwar, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. P.S.Poonia, Advocate
for respondents No. 2 to 4.

AJAY TEWARI, J. (Oral)

By this petition the petitioners have prayed for issuance of direction to respondents No. 2 to 4 for considering the claim of the appointment under Ex-gratia Scheme.

The husband of the petitioner No.1 was working as a Helper Grade-I with respondent No.2 and he died in harness in the year 1988. The petitioner No.1 applied for the job and that request was sent to the Head Quarters by Memo No. CH-51/BOM/ET-855 dated 11.8.89 was (inadvertently wrongly mentioned as 11.8.99) Annexure P-1. However since nothing was heard she then moved another application praying that her son i.e petitioner No.2 be granted a job on compassionate ground.

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That was also forwarded but no action was taken thereon. Thereafter, she moved an application praying that if the job could not be granted to her at least Ex-Gratia compensation be granted to her but by letter dated 22.08.2008 (Annexure P-3) that prayer was also rejected on the ground that her case had been considered according to the instructions prevailing at the time of death of her husband.

Learned counsel for the petitioners has argued that the basis on which the plea was rejected are clearly erroneous since as per the policy prevalent at the time of death of her husband the petitioner No.1 had to be given a job but neither she was given a job nor any reason was ever disclosed to her. Counsel for the petitioners further states that petitioner No.2 also applied for a job but that was not granted. The petitioner No.1 applied for financial assistance also, as mentioned above but that was rejected on erroneous basis.

In the written statement the same ground was taken for rejecting petitioners' claim. However, counsel for the respondents has relied upon **Union of India and Others vs. Sima Banerjee** passed in Civil Appeal No. 251 of 2017 decided on 10.01.2017 to contend that in any case whatever other relief may be granted to the petitioners, but none of the petitioners can be given a job.

In view of this binding precedent it would not be possible for me to accede to the prayer for grant of a job. However I find that the order dated 22.08.2008 rejecting the prayer even for compassionate assistance is completely illegal.

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In the circumstances, I hold that the petitioner No.1 is entitled to the grant of compassionate assistance of Rs. 2.5 lacs under the 2003 policy. Considering the gross illegality in the impugned order, I deem it to be a fit case where the respondents should be burdened with interest also from the date of rejection i.e. 22.08.2008. In the circumstances, the amount of 2.5 lacs with interest @ 6% per annum with effect from 22.08.2008 till the date of payment. The amount be released to the petitioner No.1 i.e. wife alone.

Petition stands disposed of.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

March 08, 2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No