

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

**CM No.880 of 2016 in/and  
CWP No.5470 of 2010 (O&M)  
Date of Decision : 10.03.2017**

Krishna Devi and another

..... Petitioners

versus

Uttari Haryana Bijli Vitran Nigam Limited and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. J.K.Goel, Advocate  
for the petitioners.

Mr. J.S.Bedi, Advocate  
for the respondents.

**\*\*\***

**AJAY TEWARI, J. (Oral)**

**CM No.880 of 2016**

For the reasons recorded, the application is allowed. The case is preponed for today.

**CWP No.5470 of 2010**

The issue in this case relates to the grant of compassionate benefits for the death of the husband of the petitioner No.1 and father of petitioner No.2 who was working as a Lineman and died on 10.11.2001. Admittedly the case of the petitioners was kept pending till the policy of 2006 came into being. In fact the petitioners had earlier filed CWP No.11830 of 2009 in which it was directed that their case be decided and pursuant to that direction the impugned order was passed granting the

petitioners financial assistance of Rs.2.5 lacs.

Learned counsel for the petitioners has argued that though when he filed the petition he had claimed compassionate appointment but in view of the latest decision of the Supreme Court in ***Union of India and others vs. Sima Banerjee, passed in Civil Appeal No.251 of 2017, decided on 10.01.2017*** he would not be able to justify a claim for appointment but in any case the respondents have to give them the option provided under the 2006 policy and as per that policy the petitioners would opt for monthly financial assistance.

Learned counsel for the respondents has accepted these factual assertions and is not in a position to justify why the lesser claim now being made by the learned counsel for the petitioners is not maintainable.

In the circumstances, the prayer made is allowed. The respondents are directed to pay the benefit of monthly assistance to the petitioners in view of the option given by their counsel today. The arrears be paid within a period of one month from the date of receipt of a certified copy of this order, failing which, the petitioners would be entitled to claim the same with interest @6% per month from the date/s the amount/s fell due till the date/s of payment/s. Considering the fact that this is the second writ petition and that the petitioners has had to fight such an arduous battle to get their dues, I deem it appropriate to award them costs of Rs.20,000/- to be paid by the respondents.

Petition stands disposed of.

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

10.03.2017  
*pooja sharma-I*

( AJAY TEWARI )  
JUDGE

Whether speaking/reasoned

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Yes/No

Whether reportable

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Yes/No