

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.17716 of 2016

Date of Decision: February 07 , 2017

Sudesh Saroha

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Abhishek Sethi, Advocate, for the petitioner.
Mr.Deepak Balyan, Additional AG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.Deepak Balyan, learned Additional Advocate General, Haryana, accepts notice on behalf of the respondents.

Let five copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from the respondents at this stage.

State of Haryana has re-modulated its policy in respect of ex-gratia and other facilities admissible to the families of Government employees who die in service. The policy regarding reimbursement of tuition fee for School/College has also been modified in the following

terms:-

- “(i). To grant education allowance upto Rs.5000/- per annum each for two children from nursery to +2 level on the basis of letter issued by Finance Department bearing No.4/5/2009-5FR dated 18.06.2009.
- (ii) Thereafter fee on account of tuition fee and laboratory fee shall be reimbursed who are studying in Government/ Government aided/recognized private educational/ Technical Institutions/Professional Colleges for two living (*sic*) children of deceased Government employees who die while in service, however the reimbursement of such fee shall be equivalent to fee charged by the Government colleges or institutions or less i.e., actually paid, as the case may be.....”

It may be seen that the benefit of reimbursement of tuition fee has not been withdrawn, rather only a maximum cap has been imposed. Such a revised policy decision, in our considered view, does not offend Articles 14 & 16 of the Constitution nor the action of the State in re-visiting its policy can be termed arbitrary.

Further, the petitioner's second contention that she has not been reimbursed tuition fee of her children to which she is entitled to before 12.02.2014, merits consideration.

Consequently, the writ petition is disposed of with a direction to respondent No.2 to verify the petitioner's claim and if full amount towards tuition fee has not been reimbursed as per the old policy, let the needful be done within a period of three months from the date of receiving a

certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

February 07, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No