

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

255

**CWP-18328-2016 (O&M)
Date of decision: 27.04.2017**

Sunil Devi and another

....Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Abhishek Yadav, Advocate for the petitioners.

Mr. Hitesh Pandit, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

Petitioners have questioned validity of Annexures P4 and P6 dated 22.08.2006 and 19.03.2007 respectively by which petitioners claim for compassionate appointment as well as ex-gratia financial assistance has been declined with reference to the death of Ist petitioner's husband the Haryana Compassionate Assistance to the dependants of deceased Government Employees Rules, 2003 (for short 'Rules, 2003') dated 28.02.2003 and instructions dated 31.03.2003 (Annexures P8 and P9) respectively. Ist petitioner's husband died on 29.04.1998 while he was working as a Constable in Haryana Police. Ist petitioner is stated to have submitted application for compassionate appointment on 24.02.1999 by which the Ist petitioner has sought for job to her son -2nd petitioner Sandeep Kumar while furnishing the qualification of 2nd petitioner and his date of birth. In this regard, respondents have not taken any decision till, 2006. In

other words, petitioner's claim for compassionate appointment as well as financial assistance was pending consideration till passing of Annexure P4 dated 22.08.2006. For the purpose of compassionate appointment and financial assistance the State Government has formulated Rules in the year 2005. Sub Rule 4 of Rule 6 provides how to deal with the pending application for compassionate appointment and financial assistance. The same has not been taken into consideration while passing the order dated 22.08.2006 and consequential order. As on the commencement of the Haryana Assistance Rules, 2005 the petitioner's application was pending consideration. Therefore, under the 2005 Rules, the petitioners are entitled for certain benefits under Sub Rule 4 of Rule 6.

Having regard to the above facts and circumstances, Annexure P4 and P6 are set aside and the matter is remanded to the competent authority to re-consider the petitioner's claim for financial assistance under sub Rule 4 of Rule 6 of 2005, Rules.

The above exercise shall be completed by the concerned respondent and pass speaking order within a period of 3 months from today.

(P.B.BAJANTHRI)
JUDGE

27.04.2017
pooja saini

Whether speaking/reasons Yes/No

Whether Reportable: Yes/No