

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9020 of 2010

Date of Decision:-16.02.2017.

Dilbag Sharma

.....Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Krishna Kant, Advocate for
Mr. Tajinder K. Joshi, Advocate for the petitioner.

Mr. J.S. Bedi, Additional A.G. Haryana for
the respondents.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, petitioner has sought for a direction to the respondents to grant him financial assistance to the extent of ₹ 5 lacs under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005 and Rules, 2006 instead of ₹ 2.5 lacs as offered by the respondents.

2.) Undisputedly, petitioner's father who was working as Assistant Lineman with respondent No.1 and who died on 19.12.2000. At the relevant point of time for the purpose of compassionate appointment and financial assistance, Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003 are in vogue. Sub-Clause

(b) of Rule 4 legal heirs of deceased employee are entitled for ₹ 2.5 lacs

whereas new rules titled as Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005 issued on 18.11.2005 provides for ₹ 5 lacs. Insofar as pending cases is concerned, under Rule 19 repealing provision reads as under:-

“19 (1) The Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003 which are in force immediately before the commencement of these rules are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

(2) Pending case of all those deceased Government employees whose family members are eligible under the rules so repealed, shall be disposed of in accordance with the old rules at the commencement of new rules.”

3.) Having regard to the repealing provision read with the 2003 Rules in particularly clause (b) of Rule 4 and the fact that the petitioner's father died on 19.12.2000 even though the petitioner's application is pending consideration for compassionate appointment and financial assistance, the petitioner is entitled only for ₹ 2.5 lacs and not ₹ 5 lacs. Learned State counsel submitted that during pendency of the present petition, a sum of ₹ 2.5 lacs has been released in the year 2010 itself. In view of the facts and circumstances, the petitioner has not made out a case so as to seek that he is entitled for a sum of ₹ 5 lacs under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005 and Rule 6 of 2006 Rules.

5.) Petitioner has been paid financial assistance of a sum of ₹ 2.5 lacs in the year 2010. The petitioner's father died on 19.12.2000. The financial assistance should have been released in the year 2004 for the reasons that the petitioner's name was under consideration for compassionate appointment for a period of four years. Thus, the petitioner's claim for compassionate appointment was not considered till 2004 and the financial benefits of ₹ 2.5 lacs have been released in the year 2010. Hence, the petitioner is entitled for interest @ 9% per annum on the financial assistance of ₹ 2.5 lacs during the period from 1.1.2005 to till payment of financial assistance is made. The above interest shall be calculated and disbursed by the concerned respondent to the petitioner within a period of three months from today.

(P.B. BAJANTHRI)
JUDGE

February 16, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.