

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

CWP No.16077 of 2017

Date of decision: July 25, 2017

Maneeta

....Petitioner

Versus

Haryana State Federation of Cooperative Sugar Mill Ltd. & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Sandeep Singal, Advocate
for the petitioner.

JASPAL SINGH, J.

By virtue of the instant civil writ petition under Articles 226/227 of the Constitution of India, petitioner has sought issuance of writ in the nature of certiorari for quashing the impugned reply to the legal notice dated 4th May, 2017 (Annexure P-5) whereby the claim of the petitioner for grant of *ex-gratia* compensation has been rejected with a further prayer to issue writ in the nature of mandamus directing the respondents to grant the benefit of *ex-gratia* compensation of Rs.3.00 lac to the petitioner with interest @ 18% per annum as per the Government of Haryana Policy dated 27th November, 2014 (Annexure P-3).

Undisputably, the petitioner earlier filed a civil suit for declaration as well as mandatory injunction seeking permission to the respondents for the grant of *ex-gratia* compensation but that suit was dismissed by Civil Judge (Junior Division), Meham vide judgment and decree dated 6th April, 2016 and an appeal preferred against the aforesaid judgment and decree was also dismissed by the learned Additional District Judge, Rohtak vide judgment and decree dated 15th November, 2016, it

has attained finality but after the dismissal of the suit, instant petition has been filed on the strength of the Government Policy dated 27th November, 2014 seeking compensation to the tune of Rs.3.00 lac on account of untimely death of her husband-Rambir on 6th February, 2013 during the course of his employment, who has been working as Mason Helper with the respondents.

A glance at the Government Policy dated 27th November, 2014 (Annexure P-3) makes it crystal clear that it became operative and came to force with effect from the date of its issuance i.e. 27th November, 2014. This policy/instructions are not retrospective rather the same are prospective in nature. As such, anything happen prior to 27th November, 2014 is not covered by the aforesaid Instructions/Government Policy dated 27th November, 2014.

Thus, in view of the dismissal of the suit by the Civil Court as well as the fact that the case of the petitioner is not covered under the Government Instructions/Policy dated 27th November, 2014, the instant petition is not maintainable. Accordingly, it stands dismissed.

July 25, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No