

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7036 of 2014
Date of Decision:-20.01.2017.

Guddi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Dr. Suresh Kumar Redhu, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, petitioner has questioned the validity of the order dated 30.3.2006 (Annexure P-6) by which her grievance relating to extending the benefit of *ex gratia* financial assistance and employment has been rejected with reference to the 2003 policy relating to grant of *ex gratia* employment and financial assistance.

2.) Learned counsel for the petitioner submitted that petitioner's husband was appointed on 31.10.2002 and his services were regularized w.e.f. 1.11.2004. Thereafter, he died on 17.1.2005. The petitioner's case was not considered for the purpose of *ex gratia* employment and financial assistance as the petitioner has not fulfilled the criteria laid down in the policy. One of the criteria for extending the benefit of financial assistance is that deceased employee must have rendered three years of regular service.

husband were regularized on 1.11.2004 and he passed away on 17.1.2005. Thus, he has not rendered the minimum 3 years of service for the purpose of extending the benefit of financial assistance. Learned counsel for the petitioner pointed out a decision of this Court reported in 2010(4) Law Herald 3161 (*State of Haryana through Commissioner and Secretary, Department of Transport, Haryana Vs. Sunil Kumar*).

3.) On the other hand, learned counsel for the respondents vehemently contended that the petitioner has approached this Court in questioning the communication dated 30.3.2006 belatedly. On the score of delay and laches, the petition is liable to be set aside.

4.) Heard learned counsel for the parties.

5.) Perusal of the cited judgment, it is evident that matter relates to regularization of the deceased service relates back to of the year 1996-97 and the deceased employee in that case died in the year 1997. Therefore, the said judgment is not applicable for the reasons that the relevant policy relating to employment and extending *ex gratia* financial benefits are governed by separate set of policy. Therefore, the said judgment is not applicable. It is also noticed that the petitioner has not questioned the validity of the clause imposing the condition that one must have rendered 3 years of regular service for the purpose of extending the benefit of *ex gratia* employment or financial assistance. As long as the clause in the policy is intact, question of relaxing or extending or ignoring the clause and granting relief would not arise. Perusal of the records, it is evident that the petitioner has not made out a case so as to interfere with Annexure P-6 dated 30.3.2006 so as to seek benefit of financial assistance under the 2003 policy

apart on the ground of delay and laches in questioning the communication dated 30.3.2006 (Annexure P-6) is to be dismissed.

6.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 20, 2017.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.