

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-2158-2016 (O&M)

Date of Decision: March 23, 2017

Smt.Ram Kalan

.....Appellant

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Sandeep Sharma, Advocate
for the appellant.

Mr.Deepak Balyan, Addl.AG, Haryana.

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SURYA KANT, J.

CM-4471-LPA-2016

For the reasons mentioned in the application, the same is
allowed and delay of 434 in filing the appeal is condoned.

CM stands disposed of.

LPA-2158-2016

The short question which falls for consideration in this *Intra Court Appeal* is whether the appellant is entitled to 'Compassionate Financial Assistance' in accordance with the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005 (for brevity, 'the 2005 Rules') or as per the 2003 Rules?

[2] The facts may be noticed briefly:-

[3] The appellant's husband was working as Assistant Lineman in Dakshin Haryana Bijli Vitran Nigam Limited (DHBVN) when he unfortunately died on 03.04.2006 while in service. She applied for ex gratia benefits including employment of her son, but such claim was declined on the plea that monthly income of the family was more than Rs.6,000/-. The aggrieved appellant approached this Court and it appears that there was no dispute before the learned Single Judge that the appellant is entitled to ex gratia financial assistance. Learned counsel for the parties, however, made a statement before the learned Single Judge that such financial assistance was payable to the appellant as per the 2003 Rules, whereunder a sum of Rs.2.5 lacs is admissible. Consequently, learned Single Judge has awarded the said amount alongwith interest @6% per annum.

[4] The fact of the matter is that much before the death of appellant's husband, a new set of Rules, namely, the 2005 Rules (Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005) had come into force w.e.f. 18.11.2005. Under these Rules admittedly the amount of 'Compassionate Financial Assistance' had been increased from Rs.2.5 lacs to Rs.5.00 lacs. The appellant is thus undoubtedly entitled to financial assistance of Rs.5.00 lacs as per these Rules which were in force as on 03.04.2006, when she unfortunately lost her husband.

[5] The appeal is, accordingly, allowed. The order dated July 09, 2015 passed by learned Single Judge is modified and it is directed that the

appellant be paid a sum of Rs.5.00 lacs towards 'Compassionate Financial

Assistance' alongwith interest @6% per annum w.e.f. 01.10.2006 till actual realisation.

[6] The needful shall be done within a period of three months.

**(SURYA KANT)
JUDGE**

March 23, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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|---|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |