

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.2175 of 2016 (O&M)

Date of Decision: January 19, 2017

Dakshin Haryana Bijli Vitran Nigam LimitedAppellant
versus
Hans Raj and othersRespondents

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

Present: Mr.Deepak Sabherwal, Advocate, for the appellant.

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Surya Kant, J. (Oral)

This intra-court appeal is directed against the order dated 24.02.2016 whereby learned Single Judge has directed the appellant to pay Rs.5.0 lacs to 1st respondent as Compassionate Financial Assistance under the Ex-gratia Policy of 2005.

The facts stated hereinafter would sufficiently establish as to how the 1st respondent has been harassed by the appellant-authority.

The father of 1st respondent was working as a Chowkidar when he unfortunately died while in service on 10.10.1988. 1st respondent applied for his employment on compassionate ground under the Ex-gratia Scheme. His claim was turned down on the ground that total income of the family was above Rs.6000/- per month. While giving this reasoning, the appellant included the income of two elder brothers of 1st respondent who were married and settled separately with their own families. After intervention of this Court with a direction to re-consider the matter, the appellant again turned down the claim of 1st respondent, this time for the grant of compassionate financial assistance of Rs.2.5 lacs which was admissible to him under the Ex-gratia Policy of 2002.

1st respondent then again knocked the doors of this Court. Meanwhile, 2003 Ex-gratia Policy stood replaced by 2005 Policy whereunder the dependent of a deceased employee is entitled to lump-sum financial assistance of Rs.5.0 lacs.

Learned Single Judge has observed that though at the time of consideration of the case of 1st respondent the 2003 Ex-gratia Policy was in vogue whereunder he was entitled to compassionate financial assistance of Rs.2.5 lacs but since the authorities of the appellant themselves are responsible for delaying such consideration and meanwhile 2005 Policy having come into force, the 1st respondent be granted compensation at the higher rate of Rs.5.0 lacs under the 2005 Policy.

Ordinarily, we would have held that the 1st respondent is entitled to compassionate financial assistance as was admissible under the 2003 Ex-gratia Policy when his case was considered but having regard to the fact that he is running from pillar to post from last more than 16 years, we are satisfied that the discretion exercised by learned Single Judge does not warrant any interference. The indifferent attitude adopted by the authorities deserves to be suitably reprimanded and the recourse adopted by the learned Single Judge in this regard appears to be the most appropriate.

No case to interfere with the order under appeal is made out.

Dismissed.

[SURYA KANT]
JUDGE

January 19, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No