

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.155 of 2017 (O&M)

Date of Decision: 03.02.2017

Uttar Haryana Bijli Vitran Nigam Ltd. & Ors.

... Appellant

VS.

Debo Devi

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

Present: Mr. Deepak Manchanda, Advocate for the appellants

SURYA KANT, J. (Oral)

(1) The instant Letters Patent Appeal assails the order dated 12.05.2015 vide which learned Single Judge has held the respondent entitled to compassionate monetary assistance of ₹ 5 lacs in accordance with Policy/Rules of 2006.

(2) The necessity to issue the above-stated direction arose in the light of the following facts.

(3) Husband of the first respondent was working as Assistant Lineman with the appellant-organisation. He unfortunately died while in service on 25.05.2002. The respondent immediately applied for grant of *ex gratia* appointment as the family was in dire need of source for sustenance but no heed was paid to her request which was followed by a representation dated 27.01.2003. After almost four years, the Executive Engineer, Sub Urban Division No.2, Karnal wrote a letter dated 15.03.2007 to the respondent asking her to give option for financial assistance in accordance with the "*Ex gratia* Rules, 2006", instead of employment under the *ex gratia* policy. Factually no financial assistance was released.

(4) Caught between the situation where should she fight for employment or accept the financial assistance, the respondent opted for

financial assistance. However, instead of honouring their own offer or commitment contained in the memo dated 15.03.2007, the appellant-authorities offered payment of ₹ 2.5 lacs to the respondent on 29.01.2014 as per the old Rules of 2003.

(5) The respondent refused to accept the same and approached this Court and vide order under appeal, learned Single Judge has held that in the light of the facts and circumstances narrated above, she is entitled to financial assistance of ₹ 5 lacs as per the Rules of 2006. Hence, this intra-court appeal.

(6) On a literal construction of the Rules, it can be well said that the respondent lost her husband in the year 2002 hence the claim for *ex gratia* relief deserves to be determined as per Rules/policy/scheme which was in vogue at that time. Going by that principle, the respondent was entitled to 'employment' as there was no policy before 2003 to provide any alternative financial assistance. The appellants did not adhere to and refused to follow their own Rules/Policy as applicable in the year 2002. Since her case was still pending, Rules of 2003 came into force. The authorities had no time to spare for the poor widow and did not consider her claim under the 2003 Rules also. It was on 15.03.2007 that she was offered financial assistance of ₹ 2.5 lacs.

(7) Even the above-stated offer was not honoured and it took another seven years for the appellants to make actual payment which was not less than a crude joke on the respondent as the payment offered in the year 2014 was under 2003 Rules.

(8) In our considered view, the Rules of 2003 are totally inapplicable in the instant case. Either the respondent was entitled to *ex gratia* benefit as per the policy which was in force in 2002 when she lost her husband or she would be entitled to the benefit when her claim was accepted in 2007. Learned Single

Judge has rightly held that she is entitled to the benefits under the Rules of 2006. No fault thus can be found with the order of learned Single Judge.

(9) Assuming that the respondent was entitled to monetary financial assistance of ₹ 2.5 lacs only, even then the order under appeal does not call for interference. Ordinarily, if this amount was kept in FDR in a nationalized Bank, it would have doubled in next five to seven years. The appellants are in fact guilty of depriving the respondent of her legitimate dues.

(10) No case to interfere with the order passed by learned Single Judge is made out.

(11) Dismissed.

(Surya Kant)
Judge

03.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No