

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.465 of 2017 (O&M)
Date of Decision: March 28, 2017

Maya Devi and anotherAppellants

versus

State of Haryana and othersRespondents

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

Present: Mr.S.S.Hira, Advocate, for the appellants.
Mr.R.D.Sharma, DAG, Haryana.

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Surya Kant, J. (Oral)

Notice of motion.

On our asking, Mr.R.D.Sharma, learned Deputy Advocate General, Haryana, accepts notice on behalf of the respondents.

Let four copies of complete paper book be handed-over to him during the course of day.

This letters patent appeal is directed against the order dated 22.02.2017 vide which the learned Single Judge has declined for appointment of appellant No.2 on compassionate ground though has held the first respondent entitled to ex-gratia financial assistance of Rs.2.5 lacs as per the rules and the said amount has been directed to be released alongwith interest @6% per annum w.e.f. 07.03.2005.

[2] The facts are like this. Husband of appellant No.1 and father of appellant No.2 late Rajender Singh Singla was a Junior Engineer in the Irrigation Department, Haryana, when he unfortunately passed away while in service, on 06.02.2002. The first appellant requested for appointment of her son under the ex-gratia policy. The department took more than three

years in communicating her vide order dated 07.03.2005 that in view of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003 (for short '2003 Rules'), no appointment could be made on compassionate ground but she was entitled to financial assistance of Rs.2.50 lacs under these Rules, for which she was asked to send the requisite documents. Subsequently, there was further correspondence between the parties where the department continued to insist that only financial assistance was admissible and not the employment. The first appellant thereafter filed a Civil Suit on 21.01.2010 which was decreed on 23.02.2015 with a direction to the authorities to reconsider and decide the claim re: employment under the ex-gratia policy. Pursuant thereto, the claim for appointment of respondent No.2 was again turned down vide order dated 10.03.2016 against which the appellant filed the writ petition which has been dismissed by the learned Single Judge.

[3] We have heard learned counsel for the parties and are of the considered view that no case for employment of respondent No.2 under the ex-gratia policy is made out for more than one reasons. Firstly, the family has not been found in a dire need of source for sustenance. Secondly, the Government meanwhile formulated the 2003 Rules followed by 2005 and then 2006 Rules whereunder only financial assistance is admissible and no employment is provided. In this view of the matter, we do not find any error in the order passed by the learned Single Judge to the extent the claim of appellants for appointment under the ex-gratia policy has been rejected.

[4] As regard to financial assistance, it may be seen that the appellants lost their bread-earner on 06.02.2002 and the department took more than three years in deciding their claim. There is thus inordinate delay

on the part of the respondents and in these circumstances, learned Single Judge ought to have awarded interest at a rate which is ordinarily admissible in nationalized banks. Similarly, learned Single Judge ought not to have restricted the interest w.e.f. 07.03.2005 only.

[5] It has come on record that after the unfortunate demise of husband of the 1st appellant, she immediately applied for employment of her son-appellant No.2 on the post of a Peon, as is evident from the memo dated 08.08.2002 (R-1) which refers to her request dated 19.04.2002. We are thus of the view that once there was no delay on the part of appellant No.1 in applying for employment under the ex-gratia policy, her claim ought to have been decided promptly. Consequently, it is held that the appellants are entitled to interest @ 8% per annum w.e.f. 01.10.2002, i.e., after the expiry of about six months when she applied for employment under the ex-gratia policy.

[6] Ordered accordingly.

[7] The compassionate financial assistance alongwith interest as directed above shall be released in favour of the appellants within a period of three months from the date of receiving a certified copy of this order.

[SURYA KANT]
JUDGE

March 28, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

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