

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 08.02.2017

RSA No.4811 of 2016 (O&M)

Managing Director, HVPNL, Vidyut Parsaran, ...Appellants
Panchkula & others

Versus

Smt. Tarawati & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. K.S.Malik, Advocate, for the appellants.

RAJIV NARAIN RAINA, J.(ORAL)

There are concurrent findings of fact recorded by both the Courts below and delay is sufficiently explained, covered and protected. The lower Appellate Court has affirmed the judgment and decree of the trial Court relying upon the Full Bench decision of this Court in Krishna Kumari Vs. State of Haryana & others, 2012(2) S.C.T. 736 that the Rules/Policies on compassionate appointments prevailing at the time of death would be relevant to measure benefits of ex-gratia appointment. The Courts have noticed that proceeding for obtaining a succession certificate was filed on 31.03.1999 and the same could be obtained only on 01.10.2010 from Court. The death of the bread winner occurred on 08.11.1998. He was an Assistant Lineman, who died due to electrocution while serving the Department/Nigam.

By an interim order dated 26.10.2016, two cheques in a sum of ₹83,520/- and ₹53,849/- (totaling ₹1,37,369/-) have been paid to the respondent Tarawati by the DHBVN. The

details and photocopies of the cheques have been produced by Mr. Malik at the time of hearing today, which bear the right thumb impression of Tarawati on the letter dated 03.02.2017.

Mr. Malik submits that what remains is interest on the GIS amount, as the rest of the payments have been made. He assures the Court that this amount would be paid by the Insurance Company after the respondent applies and follows the procedure for release of the amount of interest. The letter dated 03.02.2017 has been perused by Court, which bears the original thumb impression of Tarawati and is, therefore, returned.

I find that no substantial question of law is involved in this appeal for interpretation and thus interference within the jurisdiction of Section 100 of the Code of Civil Procedure or Section 41 of the Punjab Courts Act, 1918 is not warranted. Accordingly, the appeal is dismissed without any order as to costs.

08.02.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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