

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**C.Ms. No.15570-71-C of 2016 in/and
RSA No. 5929 of 2016
Date of Decision: 31.1.2017**

Dakshini Haryana Bijli Vitran Nigam Ltd. Hisar ... Appellant

Versus

Saraswati & ors. ... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

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

RAJIV NARAIN RAINA, J.

Learned District Judge, Narnaul by his well reasoned judgment dated 5.4.2016 has reversed the findings of the trial Court and has decreed the suit. The Lower Appellate Court has not agreed with the observation of the trial Court that it was necessary on the part of the plaintiffs to produce proof of income of Mukesh as less than ₹6000/- per month because there was an admission of the defendants that at the time of death of Ram Kumar, the salary of Mukesh was ₹5,585/- per month and therefore less than the minimum prescribed to avail benefit of compassionate appointment. Mukesh was the brother of the plaintiff No.2 serving in the Indian Army. The income of the family was rightly assessed by the District Judge, Narnaul to be less than ₹6,000/- per month from all sources at the time of death of the Government employee from whom the claim is traced by the plaintiffs while seeking directions for compassionate appointment or in the alternative financial assistance admissible under the Haryana

Compassionate Assistance to the Dependents of Deceased Employees' Rules 2003 which have undisputedly been adopted by the Board of Directors of the Nigam in a meeting held on 30.4.2003. Mr. Balyan appearing for the appellant has produced before me the Memo dated 16.5.2003 evidencing the fact that the revised Ex-gratia Scheme, 2003 was introduced and adopted by the appellant Nigam. This document has been produced on the interim directions of this Court on 21.11.2016. The same is taken on record as Mark 'A'.

In view of the findings of fact returned on indigence and dependency of the plaintiffs to the deceased Government employee, the same are not open to be disturbed on the regular appeal side of this Court. The learned District Judge has moulded the relief in a fair and proper manner by directing that in case there is any vacancy available then the plaintiffs could be adjusted by way of ex-gratia appointment and in the alternative to financial assistance in the sum of ₹2.5 lacs as prescribed by the Rules. In case, the alternative benefit is resorted to and accepted then the amount of ₹2.5 lacs will earn interest @ 6% per annum from the date of application. The judgment and decree is sound in law and facts brought on record. The reasoning is appealing to the mind. Moreover, no substantial question of law is involved as required for interference under Section 100 of the CPC and Section 41 of the Punjab Courts Act, 1918.

I find no merit in this appeal and would dismiss the same.

In view of the dismissal of the appeal on merits, there is no necessity of passing orders on the application for condoning the delay of 92

days in filing the appeal which will stand disposed of with the main order.

Parties to bear their own costs.

(RAJIV NARAIN RAINA)
JUDGE

31.01.2017
monika

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>