

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No.2971 of 2018

Date of Decision: 09.02.2018

Vandana. Petitioner

Versus

State of Haryana and another. Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Parminder Singh, Advocate
for the petitioner.

B.S. Walia, J. (Oral).,

1. Petitioner's husband who was working as Assistant Line Man in Uttar Haryana Bijli Vitran Nigam (referred to as 'Nigam'), died on 12.04.2003. Initially, the petitioner was given benefits in terms of instructions dated 01.08.2006 and was held entitled to receive pay and allowances last drawn by the deceased employee in the normal course for a period of 12 years from the date of death of her husband / date of issue of notification, whichever was later and thereafter pension as per the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (hereinafter referred to as the Rules). However, the aforesaid benefit was withdrawn by the respondents vide order dated 30.12.2008 and the petitioner was held entitled to

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payment of ₹ 2,50,000/- only as ex-gratia compensation under the new policy.

2. Petitioner challenged the action of the respondents withdrawing the benefit under the notification as referred to above and granting her ex-gratia payment of ₹2,50,000/-only by way of CWP No.17544 of 2011. The same was allowed vide order dated 15.01.2013. Impugned order dated 30.12.2008 was set aside and the respondents were directed to pay the petitioner pay and allowances last drawn by her late husband in the normal course for a period of 12 years from the date of death of her husband / issue of notification, whichever was later and thereafter pension as per the Rules.

3. On failure of the respondents to comply with the order dated 15.01.2013 in CWP No.17544 of 2011, the petitioner filed COCP No.2289 of 2016, whereupon the respondent made part payment of amount due after deducting ₹ 2,50,000/- already paid to the petitioner by way of ex-gratia amount under the new policy. Grievance of the petitioner was that the entire amount due on account of fixation of pay in terms of Clause 5(b) of the notification had not been granted. The contempt petition was disposed of vide order dated 08.03.2017 with liberty to the petitioner to make a representation to the respondents qua grievance if any remaining un addressed.

4. Learned counsel states that as per calculations, (copy of which is attached along with this petition as Annexure P-3), the petitioner is entitled to ₹13,43,138/- after deduction of ₹2,50,000/- as per new policy (₹15,93,138/- – ₹2,50,000/- = ₹13,43,138/-) whereas the petitioner has

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been paid only ₹8,75,169/- out of ₹15,93,138/- in terms of Clause 5 (b) of the notification referred to above.

5. I have considered the submissions of learned counsel for the petitioner and am of the view that the writ petition can be disposed of at this stage by directing the respondents to decide the claim of the petitioner in terms of the Rules as adopted by the Nigam vide Circular dated 07.09.2006 in the context of calculations Annexure P-3 (colly) in terms of the decision of this Court dated 15.01.2013 in CWP No.17544 of 2011.

6. In case the petitioner is found entitled to the amount as claimed by her in terms of Annexure P-3 (colly) or any other amount, other than the amount claimed, the same be released to the petitioner in accordance with law, within 6 weeks of the date of receipt of certified copy of this order by the respondents. If the petitioner is held entitled to payment but the same is not released within the aforesaid period of time, then the same shall thereafter be payable along with interest @ 7.5% per annum with effect from the date of entitlement till date of payment.

7. Writ petition stands disposed of in above said terms.

[B.S. WALIA]
JUDGE

February 9, 2018

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Whether Speaking/reasoned	:	Yes / No
Whether Reportable	:	Yes / No