

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP No. 30801 of 2018  
Date of Decision : 07.12.2018

Dhanpati Devi

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Jagbir Malik, Advocate for the petitioner.

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**Harsimran Singh Sethi, J.(Oral)**

In the present case, the petitioner has approached this Court seeking the monthly financial assistance instead of lumpsum amount of ₹2.5 lacs as paid to the petitioner vide order dated 09.05.2008 (Annexure P-5) as available under the Haryana Compassionate Assistance to the Dependents of the Deceased Govt. Employees Rules 2006 (hereinafter referred to as 'Rules 2006').

Learned counsel for the petitioner has placed reliance upon a judgment of Division Bench of this Court in CWP No. 6005 of 2007, decided on 12.03.2008 to contend that the cases, which were pending consideration at the time when Rules 2006 came into force, are to be decided by giving an option to the employee either to be considered under the Rules which were applicable at the time of death or the Rules, which existed at the time when the consideration was taking place and, therefore,

the petitioner was entitled for monthly assistant as envisaged under Rules 2006.

Learned counsel for the petitioner further states that the petitioner will be more than willing to deposit ₹2.5 lacs as awarded to her vide Annexure P-6. Learned counsel states that a legal notice was given on 12.08.2010 making the said claim and keeping in view the various developments and the subsequent orders passed by this Court, he be given liberty to file a fresh legal notice giving all the details.

The present writ petition is disposed of with a direction to the respondents that in case a representation/legal notice is served by the petitioner within a period of four weeks, the respondents shall decide the same by passing a speaking order within a period of three months from the receipt of the said representation/legal notice. In case after the order is passed, it is found that the petitioner is entitled for any relief, the same should also be released to her within a period of next three months.

However, it is made clear that this Court expresses no opinion on the merits of the case or about the entitlement of the petitioner in respect of the relief claimed in the present writ petition or in the representation/legal notice to be filed by the petitioner in pursuance to this order.

The writ petition stands disposed of accordingly.

**December 07, 2018**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned?*      *Yes/No*  
*Whether reportable?*              *Yes/No*