

CWP No.593 of 2020

Date of Decision: 20.1.2020

Neena Devi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate, for the petitioner.

NIRMALJIT KAUR, J. (ORAL)

On 13.1.2020, the following order was passed:-

“Prayer in the present petition is for quashing of the order dated 17.5.2019, vide which, the claim of the petitioner seeking ex-gratia benefits was dismissed.

While explaining the delay, learned counsel for the petitioner submitted that the services of the husband of the petitioner were dispensed with way back in the year 2004. He filed an appeal (Annexure P-4) in the year 2005, which was still pending when he died on 17.12.2017.

In the entire writ petition, there is no mention that the services of the husband of the petitioner were dispensed with. Even the impugned order dated 17.5.2019 (Annexure P-9) appears to have been passed dismissing the representation and not any appeal. The said representation was also decided in pursuance to the order dated 28.9.2018 passed by the learned Single Bench of this Court. Even the said order, which is reproduced in the impugned order dated 17.5.2019 does not make mention of any appeal and only a direction seems to have issued to consider the claim of the petitioner for grant of ex-gratia benefits. Thus, it appears that no appeal was ever filed in the year 2005. In case, the appeal had been filed, the same would have been decided by 2017 before the husband of the petitioner died or else he would have definitely pursued the same for early decision.

At this stage, learned counsel for the petitioner prays for time to seek instructions and explain the anomaly. More so when the submission is made that the order dated 17.5.2019 (Annexure P-9) was passed in pursuance to some appeal. In case, the same is filed in pursuance to the appeal filed in the year 2005, the delay may have been well explained else the very writ petition suffers from delay and latches.

Adjourned to 20.1.2020.”

Today, learned counsel for the petitioner states that he may be permitted to withdraw the present writ petition with liberty to file fresh, in case he is able to get the information with respect to the appeal allegedly filed by the petitioner way back in the year 2005, which is stated to be pending till the husband of the petitioner had died on 17.12.2017.

Dismissed as prayed for with liberty as prayed for.

(NIRMALJIT KAUR)
JUDGE

20.1.2020
sharmila

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No