

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

112

**CWP No.10520 of 2020
Date of decision:24.07.2020**

Birmati and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr.Gunjan Mehta, Advocate for the petitioners.

SUVIR SEHGAL J. (ORAL)

This matter has been taken up for hearing through video conferencing due to Covid-19 Pandemic.

Petitioners have approached this Court for issuance of a writ in the nature of mandamus directing the respondents to exercise the powers to relax the condition imposed in Clause 3 (Note 1) of the Haryana Civil Services, (Compassionate, Financial Assistance or Appointment) Rules, 2019 (for brevity "the new Rules") dated 02.08.2019, Annexure P-7, and to offer appointment to petitioner No.2 in terms of Clause 2 of the said Rules as requested for in the representation dated 05.09.2019, Annexure P-6.

Counsel for the petitioners submits that the petitioners are the heirs of Sh. Rajinder Singh, deceased, who was working on the permanent post of Beldar in the office of Executive Engineer, Public Health Department, Rohtak-respondent No.3. After his death, on

19.01.2018, petitioner No.1 was granted financial benefits in terms of Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (for short "Rules of 2006"). Petitioner No.1, who is the widow, is suffering from 'atrial fibrillation' which according to the counsel is a quivering or irregular heart beat that can lead to blood clots, stroke, heart failure and other heart related complications and she is on her death bed. On 01.08.2019, the new Rules came into effect whereby the Rules of 2006 were repealed. According to the counsel, under Rule 3 of the new Rules, an option has been given to the family member of a deceased government employee who died before the coming into force of the new Rules but had not been sanctioned compassionate financial assistance to exercise any option either to avail the benefits under the Rules of 2006 or under the new Rules. Counsel submits that petitioner No.1 submitted a representation dated 05.09.2019, Annexure P-6, requesting the competent authority to exercise the power of relaxation under Clause 42 of the New Rules and appoint her son, petitioner No.2, on compassionate basis keeping in view her medical condition. This representation is stated to be pending with the respondents.

At this stage, counsel submits that the petitioner would be satisfied in case, a direction is given to the respondents to decide the representation by passing a speaking order within a specific time frame.

Notice of motion.

On the asking of the Court, Mr. Samarth Sagar, Additional Advocate General, Haryana, accepts notice on behalf of the respondents. He does not oppose the prayer made by the petitioners for decision of the

representation.

Without considering the claim of the petitioners as raised in this writ petition or in the representation, writ petition is disposed of with a direction to respondent No.2/competent authority to examine the claim raised by petitioner No.1 in the representation dated 05.09.2019, Annexure P-6, and to take a decision thereon by passing a speaking order within a period of four months from the date of receipt of certified copy of this order.

Disposed of.

24.07.2020

pooja saini

(SUVIR SEHGAL)

JUDGE

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