

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

**LPA No. 444 of 2021 (O&M) in
CWP No. 18447 of 2020
Date of Decision: 03.05.2021**

Papita Devi wife of Sh. Suresh Chand,
aged about 46 years, resident of Village Mahanpur,
Tehsil Bansur, District Alwar, Rajasthan.

..... Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Ketan Antil, Advocate
for the appellant.

*[The aforesaid presence is being recorded through video conferencing since the
proceedings are being conducted in virtual court]*

JASWANT SINGH, J.

Appellant - *Papita Devi* has filed the instant intra Court appeal against the final order / judgment dated 03.03.2021 passed by the learned Single Judge, whereby her prayer seeking quashing of orders dated 30.06.2020 & 03.07.2019 (**Annexures P-5 & P-1, respectively**) wherein her claim for seeking employment under Haryana Civil Services (Compassionate Financial Assistance or Compassionate Appointment) Rules, 2019 (hereinafter referred to as Rules, 2019) was declined and writ petition was ordered to be dismissed.

[2] Learned counsel for the appellant has argued that only in order to defeat the rightful claim of the appellant under the new Rules, 2019, the Department had passed the impugned order dated 03.07.2019 (**P-1**) granting sanction under the Haryana Compassionate Assistance to the Dependant of

Deceased Government Employee Rules, 2006 (herein after referred as Rules, 2006). It is submitted that even the said impugned order was sent on 02.08.2019 for further compliance and since the new Rules, 2019 were notified on 02.08.2019 itself (however made applicable w.e.f 01.08.2019), the impugned order dated 30.06.2020 **(P-5)** declining the request of appellant for grant of compassionate appointment to her son, was unjustified as order dated 03.07.2019 cannot be held to be applicable upon the appellant since there was no conclusive sanction upto 02.08.2019. Hence, prayer has been made for setting aside the judgment / final order passed by the learned Single Judge dated 03.03.2021 and allow the writ petition.

[3] We have heard learned counsel for the appellant and length and have scrutinized the paper-book.

[3.1] Admittedly, the husband of appellant was working as a Peon in the Department of Excise and Taxation, Haryana from 16.05.1992 to 15.12.2017, the day he died. It is further not disputed that at the relevant time, Rules of 2006 were applicable and appellant had applied for release of financial assistance in terms of Rule 5(1) (c) of the said Rules, 2006. It is further not disputed that sanction was accorded under the 2006 Rules vide order dated 03.07.2019 by the Excise and Taxation Commissioner, Haryana which was communicated to officials for further compliance on 02.08.2019. It is also not contested by the appellant that as per Note 1 of the 2019 Rules dated 02.08.2019, only those cases were to be considered under the Rules, 2019, who had not been accorded sanction under the 2006 Rules.

[3.2] In the instance case, as observed earlier, the sanction was accorded on 03.07.2019 i.e. a month prior to notification of 2019 Rules and

it was only an *inter se* communication amongst the officials for compliance of the sanction accorded for grant of financial assistance vide endorsement dated 02.08.2019. This, in no manner, can be construed as delaying the sanction upto 02.08.2019, and therefore, the argument raised by counsel for appellant is completely fallacious. Learned Single Judge has rightly held that since Note-1 appended with the Rules, 2019 is unequivocal in its language and puts a complete bar on consideration of cases under the new Rules of 2019 in case sanction has been already accorded, we find that no relief can be granted by us to the appellant. Thus, we concur with the findings recorded by the learned Single Judge.

[4] In view of the above, finding no merit, instant **appeal** is hereby ordered to be **dismissed**.

(JASWANT SINGH)
JUDGE

May 03, 2021
'dk kamra'

(SANT PARKASH)
JUDGE

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