

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

Sr. No.106

CWP No.6656 of 2021

Date of Decision: 19.09.2022

Jainam and another

.... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Savita Devi, Advocate for the petitioners.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present petition, the prayer of the petitioners is that they are the dependent parents, who were dependent upon the deceased Mohammad Aamid, who while working on the post of Lecturer of Psychology, unfortunately died in a road accident on 12.08.2019.

As per the pleadings, at the time of death of the deceased Mohammad Aamid, he was married to respondent No.6 and had a minor daughter namely Affiya out of the said wedlock. The prayer of the petitioners is that after the death of the deceased, keeping in view the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019, the petitioners being the dependent parents are also entitled for the grant of financial assistance especially when respondent No.6 (wife of the deceased) has already remarried.

Learned counsel for the petitioners argues that there is no source of income with the petitioners, hence, the petitioners be paid the monthly assistance as determined by the respondent-department from the date of re-marriage of respondent No.6.

I have heard learned counsel for the petitioners and have gone through the record with her able assistance.

The ground of compassionate assistance is governed by the 2019 Rules, which came into being on 02.08.2019. As per the Rule 5 of 2019 Rules, the compassionate assistance is available to the eligible family members of a

government employee who dies or disappears while in service subject to future good conduct. The family has been defined under the said rule itself to mean that the spouse or a dependent member of the family of the deceased or the missing government employee and the first right for the extension of the benefit is given to the spouse upto the date of remarriage or the death, whichever is earlier and in case the spouse of the deceased employee becomes ineligible, the financial assistance is to be given to the children of the deceased under Clause 5 (1) (f) (ii). It is only in case, no one from the spouse or children of the deceased is eligible, only then the dependent parents are eligible to get the financial assistance, the parents have been made entitled for the grant of said financial assistance under Clause 5 (1) (f) (vi).

In the present case, even if the spouse of the deceased i.e. respondent No.6 becomes ineligible, benefit will stand transferred to the minor daughter of the deceased upto the age of 25 years. That being so, the priority list which has been envisaged under Rule 5 excludes the petitioners who are claiming themselves to be the dependent parents keeping in view the preference in favour of the minor child of the deceased employee, hence, under these circumstances, once the petitioners have raised no claim against the minor daughter of the deceased, no relief can be given to them in preference to the minor daughter of the deceased employee, who has the priority to claim the said benefit in preference to the petitioners.

No ground is made out for interference by this Court.

The petitions stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

19.09.2022
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No