

121.

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

CWP-9141-2022

Date of Decision: 02.05.2022

PREM LATA

.... Petitioner

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Raman Chawla, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein is aggrieved against the inaction of the respondents to release her the monthly financial assistance in accordance with clause 5(1)(a) of the Ex-gratia Policy of Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 with all consequential benefits.

In brief, the facts are that the husband of the petitioner, who was working as a Constable in the office of the Superintendent of Police, Sirsa, died while in service on 26.03.1997 leaving behind his wife (the petitioner herein) and two sons. The petitioner applied for appointment on compassionate ground, which plea was rejected by an order dated 16.01.2001 being time barred. The appeal too was dismissed. The petitioner approached the High Court by way of CWP No.8998 of 2021 seeking appointment of her son on his attaining majority, that petition was dismissed on the ground that

there was inordinate delay of 20 years in approaching the High Court. However, while dismissing the writ petition, the administrative authorities were directed to consider the case of the petitioner for financial assistance as per the applicable Rules. LPA preferred by the petitioner herein stands dismissed as withdrawn with liberty to pursue the matter as regard the financial assistance.

Learned counsel appearing on behalf of the petitioner herein would contend that the legal notice (Annexure P-10) has already been sent claiming the benefits as per the amended Rules of 2006, considering the fact that the appeal (Annexure P-3) of the petitioner was pending.

Notice of motion.

At this stage, Mr. Tapan Kumar, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondents-State and states that the petitioner herein approached this High Court seeking appointment for herself or her son after an inordinate delay of 20 years which matter was already considered and rejected by this Court by an order dated 03.09.2021. As far as the question whether the petitioner would be entitled to any ex-gratia payment in terms of Rules 2006, legal notice sent on 09.03.2021 (Annexure P-10) would be considered in accordance with law.

In view of above, without commenting on the merits of the case, the present petition is disposed of with a direction to the respondents to decide legal notice dated 09.03.2021 (Annexure P-10) of the petitioner, within a period of three months from the date of receipt of the certified copy of this order, in accordance with law, and convey the decision to the

petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

02.05.2022
sanjeev

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No