

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

Sr. No.121

CWP No.17918 of 2022 (O&M)

Date of Decision: 31.08.2022

Halima

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohammad Arshad, Advocate for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-12555 & 12557-CWP-2022

Prayer in the present applications is for grant of exemption from filing the certified/typed copies of Annexures P-6 to P-9 and for placing on record the photocopy/translated copies of the same.

Both the applications are allowed subject to all just exceptions and Annexures P-6 to P-9 are taken on record.

CWP No.17918 of 2022

In the present petition, the grievance of the petitioner is that the claim of the petitioner, who is the first wife of the deceased namely Abdul Karim, is not being considered for the grant of benefits as admissible under the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019.

Learned counsel for the petitioner argues that the deceased Abdul Karim had married the petitioner in the year 1986 and thereafter, he contracted second marriage with respondent No.5. After the death of Abdul Karim on 05.07.2022, the petitioner became entitled for certain benefits including the Compassionate Financial Assistance under 2019 Rules.

Learned counsel submits that as per Section 26 of 2019 Rules, where a deceased government employee is survived by more than one widow, where personal law permits, compassionate financial assistance is to be equally shared by the widows, hence, the compassionate financial assistance is to be divided between the petitioner and respondent No.5, whereas the respondent department is extending the total compassionate financial assistance in favour of respondent No.5, which is not permissible, hence, respondents are liable to be directed to consider the claim of the petitioner while granting the benefit as admissible under 2019 Rules.

Learned counsel for the petitioner submits that the petitioner has already raised her grievance by way of serving upon the respondents a legal notice dated 19.07.2022 (Annexure P-4), which is pending consideration with the respondents and the petitioner will be satisfied at this stage in case, respondent No.4 is directed to decide the said legal notice by passing an appropriate speaking order in a time bound manner.

Notice of motion.

Mr. Harish Nain, Assistant Advocate General, Haryana accepts notice on behalf of the respondents and raises no objection with regard to deciding the legal notice dated 19.07.2022 (Annexure P-4) by passing an appropriate speaking order in a time bound manner.

Without going into the merits of the case, the present petition is disposed of with a direction to respondent No.4 to decide the legal notice dated 19.07.2022 (Annexure P-4) served by the petitioner, by passing an appropriate speaking order within a period of 8 weeks from the receipt of copy of this order.

It is made clear that before passing an order on the legal notice dated 19.07.2022 (Annexure P-4), due opportunity to contest the case may be given to respondent No.5 also.

(HARSIMRAN SINGH SETHI)
JUDGE

31.08.2022
Maninder

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