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

\*\*\*\*

**CWP-23125-2018**

**Date of Decision: 07.04.2022**

Vandana

..... Petitioner

Versus

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Parminder Singh, Advocate,  
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

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**HARSIMRAN SINGH SETHI J. (ORAL)**

The present petition has been filed for setting aside the order dated 14.08.2018 (Annexure P-5), vide which prayer of the petitioner for refixing the pay of her deceased-husband as on 01.01.2006 and thereafter granting the petitioner the benefit under the Sixth Pay Commission, while considering the claim of the petitioner for the grant of financial assistance under the Haryana Compassionate Assistance to the Dependent of the Deceased Government Employee Rules, 2006 (hereinafter to be referred as '2006 Rules'), has been rejected.

Learned counsel for the petitioner argues that the late husband of the petitioner was working as an Assistant Line-man with the respondent-Department and died while in service on 12.04.2003, and thereafter, prayer of the petitioner for the grant of financial assistance was considered by the authorities concerned under the 2006 Rules.

Learned counsel for the petitioner further submits that as per

the 2006 Rules, the dependent of the deceased is entitled to get the emoluments for the next twelve years or up to the date of retirement of the said deceased, either of which is less. Learned counsel submits that the petitioner was entitled for the grant of emoluments for a period of twelve years, starting from the year 2003, and as the pay was revised keeping in view the recommendation of the Pay Commission, w.e.f. 01.01.2006, the pay of the late husband of the petitioner should have been revised notionally so as to calculate the amount, which has not been done, and therefore, the impugned order 14.08.2018 (Annexure P-5) is bad in law.

After notice of motion, the respondents have filed a reply justifying the order dated 14.08.2018 (Annexure P-5), stating that whatever the petitioner was entitled for as financial assistance under the 2006 Rules, has already been paid to her.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The financial assistance to be extended to the dependent of the deceased Government employee is to be calculated keeping in view Rule 5 of the 2006 Rules, which is as under:

*“5 (1) On the death of any Government employee, the family of the employee would continue to receive as financial assistance a sum equal to the pay and other allowances that was last drawn by the deceased employees in the normal course without raising a specific claim.*

*(a) .....*

*(b) for a period of twelve years or till the date the employee would have retired from Government service on attaining the age of superannuation, whichever is less, if the*

*employee at the time of his death had attained the age of thirty-five years but had not attained the age of forty-eight years.”*

A bare perusal of the Rule 5(1) would show that the financial assistance for a period of twelve years to be granted to the dependent of the deceased-employee is to be calculated on the basis of the last pay and the allowances drawn by the deceased-employee and the same does not envisage any revision.

Furthermore, the said twelve years emoluments are to be paid in lump sum immediately to the dependent of the deceased-employee and the payments are not deferred for a period of twelve years, which clearly shows that no revision of the pay of the deceased-employee is to take place while calculating the lump sum amount, which the dependent is entitled for as financial assistance under the 2006 Rules. That being so, the claim of the petitioner as raised in the present petition that while calculating the financial assistance to be extended to her, w.e.f. 01.01.2006, there should have been a notional revision of the pay of her deceased-husband so as to calculate financial assistance, is not a correct interpretation of the 2006 Rules.

Keeping in view the above, no ground is made out to accept the claim of the petitioner as being raised in the present petition.

Dismissed.

**07.04.2022**

*Apurva*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

1. Whether speaking/reasoned : Yes

2. Whether reportable : Yes