

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

**RA-LP-38-2020 (O&M)
in LPA-690-2017
Decided on : 28.10.2022**

State of Haryana and others

... Review Applicant/Appellants

Versus

Babli Devi

... Respondent

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE KARAMJIT SINGH**

Present: Mr. Hitesh Pandit, Addl. AG, Haryana
for the review applicant.

Mr. Neeraj Gupta, Advocate
for the non-applicant/respondent.

G.S. Sandhawalia, J. (Oral)

Review of the order dated 22.07.2020 is sought for by the State, whereby the present appeal was disposed of in view of the fact that the issue was already decided by the Apex Court in **Civil Appeal No.2144 of 2016 'Haryana Vidyut Prasaran Nigam Ltd. and others Vs. Kelo Devi and another'** decided on 13.02.2020 (Annexure A-1) and the same would be applicable. The State has filed the review application primarily in view of the observations that liberty had been granted to seek revival in case any ambiguity remains.

The argument now raised as such in the review application is that a sum of Rs.2,50,000/- as per the Haryana Compassionate Financial Assistance to the Dependents of Deceased Government Employees Rules, 2003 (hereinafter referred to as '2003 Rules') had been granted and, therefore, the writ petitioner was not liable to be considered under the Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rules, 2006 (hereinafter referred to as '2006 Rules').

In the reply filed to the review application a categorical averment has been made by the respondent that no ex-gratia payment was made to her and, her case would be covered under the 2006 Rules. It has further been averred that monthly financial assistance was started to her in the year 2006, but stopped arbitrarily without notice in the year 2008. She, accordingly, asserts that her case is covered by the judgment passed in **Kelo Devi (supra)**.

We have also gone through the reply, which was filed by the State before the learned Single Judge. Though a plea was taken that a sum of Rs.2,50,000/- was granted, but there is nothing to show that the amount was ever disbursed to the writ petitioner. Rather even in the replication which was filed before the learned Single Judge, the writ petitioner had denied the fact that a sum of Rs.2,50,000/- was actually paid to her and rather it was held out that it was incorrect and contemptuous and the respondent authorities are misleading the Court. The review application has been specifically filed on this ground, though categorical stand had been taken by the respondent and nothing has been brought on record that a sum of Rs.2,50,000/- was ever credited to the account of the writ petitioner and that she would be disentitled to the claim under 2006 Rules, on the ground that her case had already been processed under the 2003 Rules.

It is also a matter of record that the writ petitioner had approached this Court on account of the fact that the financial assistance had been granted to her on 23.10.2006 (Annexure P-2) by the Director General of Police, Haryana. The relevant Superintendent of Police vide order dated 06.12.2006 (Annexure P-3) had noticed the said fact and the

fact that the deceased employee had attained age of 37 years, 8 months and 15 days and, therefore, come to the conclusion that the family of the deceased employee was eligible to receive family pension as per the normal rules only after the expiry of the period during which she receives financial assistance. On account of the financial assistance being stopped by the State, she was constrained to approach this Court for revival of the same.

Thus, we are of the considered opinion that the review application is misconceived and amounts to harassing the legal heir of the deceased employee who diligently served the State. Accordingly, the review application is dismissed with costs of Rs.20,000/- to be paid to the writ petitioner/respondent, since the State has chosen to unnecessarily file the review application, in spite of the fact that the case of the writ petitioner is covered by the judgment passed in **Kelo Devi (supra)**, which specifically mentions that where cases were still pending, the benefit has to be granted as per the subsequent rules.

Dismissed.

(G.S. SANDHAWALIA)
JUDGE

(KARAMJIT SINGH)
JUDGE

October 28, 2022
Naveen

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No