

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

CWP-21961-2022 (O&M)

Date of Decision: 22.09.2022

Krishna Devi and others		Petitioners
	Versus	
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Narinder Beniwal, Advocate
for the petitioners.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus for directing the respondents to grant compensation or give appointment on compassionate grounds to the dependents of Late Sh. Bhoop Singh No.1137/HSR (Earlier No.888/SRS) in terms of Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006.

2. Succinct facts first. Plead case is that Petitioner No.1 is the widow, petitioners No.2 to 4 are daughters and petitioners No.5 & 6 are sons of the deceased Bhoop Singh stated to have died in harness on 25.12.2003. Deceased Bhoop Singh was posted as a Constable in Police Line, Sirsa, District Sirsa. He was marked absent on 25.01.1995 at 7.00 PM but later he reported back in Police Line, Sirsa on 29.05.1995. A departmental enquiry was entrusted to DSP/Headquarters, Sirsa. On 04.11.1996, the charge-sheet was prepared by the enquiry officer and the same was got approved from the competent authority and served upon Bhoop Singh. In defense, he denied the charges levelled against him and stated that he was treated/checked-up for his illness in Civil Hospital, Sirsa. Thereafter, the punishment of stoppage of four increments with

permanent effect was levied upon the delinquent and his period of leave was treated as leave without pay. On 20.04.2009, the application was moved by the petitioner No.1 for payment of monthly salary to her under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (*hereinafter referred to as 'Rules, 2006'*). Vide letter dated 06.12.2006 the Superintendent of Police, Hisar intimated the petitioner No.1 that she had been sanctioned to receive the financial assistance of a sum equal to last monthly salary drawn by her late husband Bhoop Singh. However, the Treasury Officer, Gurgaon was informed by the Superintendent of Police, Hisar that the petitioner No.1 was entitled for family pension instead of assistance under prevalent rules and the petitioner was wrongly allowed the monthly salary of her husband.

3. Learned counsel for the petitioners would argue that as per Rules, 2006, all pending ex-gratia assistance shall be covered under the new rules. Hence, petitioners' case pending since 2006, they would be covered under the Rules 2006 and they are entitled for monthly salary of deceased Bhoop Singh or else dependents of the deceased Bhoop Singh be given appointment under the Rules, 2006.

4. On advance service, the learned State counsel appears and opposes the petition.

5. I have heard the competing arguments of the learned counsel for the parties.

6. The benefit of compassionate assistance and compassionate appointment are available for the family of those employees who have served State for number of years and died in harness before attaining the age of superannuation. Benevolence policies are promulgated from time to time by the State Government. Trite it is to say, the matters of policy are best left to the policy makers, in this case, State of Haryana. Concededly, department has already accorded the benefit of the financial assistance as per policy applicable at the relevant time when the earning family member (deceased employee) of the petitioners died in harness. However, subsequently, policy was changed. Since petitioners had already opted for the financial assistance, their claim to seek job,

therefore, did not remain alive. Accordingly, no benefit of compassionate appointment can be accorded to them under the subsequent policy.

- 7. No grounds for interference are made out.
- 8. Dismissed.

(ARUN MONGA)
JUDGE

September 22, 2022
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No