

CWP No. 2917 of 2022

2023:PHHC:099348

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(225)

CWP No. 2917 of 2022

Date of Decision : 02.08.2023

Veena Rani and another

...Petitioners

Versus

Haryana Roadways through its General Manager and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Shaveta Sanghi, Advocate for the petitioners.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. The present petition has been filed seeking the compassionate appointment for petitioner No. 2 as well as the other benefits, for which the petitioners claim that they have become entitled for as the husband of petitioner No. 1, namely, Chanan Dass, who was working as a Sweeper in the Haryana Roadways, unfortunately died while in service.

2. Learned counsel for the petitioners submits that the claim qua petitioner No. 2 for compassionate appointment is not being pressed and only prayer of the petitioners is for the grant of ₹1 lac ex-gratia financial assistance keeping in view Rule 16 of the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules

2019 (hereinafter referred to as '2019 Rules'). Learned counsel for the petitioners submits that as the husband of petitioner No. 1 died on 10.11.2019 on which date, 2019 Rules were in operation, according to Rule 16 of the said Rules, a sum of ₹1 lac was required to be given to the family of the deceased, hence, respondents are under obligation to grant the said benefit to the petitioners.

3. Learned counsel for the respondents has not been able to rebut the contention that no claim under Rule 16 of 2019 Rules as admissible to the petitioners has been extended to them so far.

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

5. It is a conceded position that the husband of petitioner No. 1, who was a regular employee with the Haryana Roadways and unfortunately he died while in service on 10.11.2019. On the date of death of the employee concerned, 2019 Rules, which came into existence on 02.08.2019, were very much in operation so as to grant the benefit to the family of the deceased employee. Rule 16 of 2019 Rules is as under :-

“16. In addition to monthly compassionate financial assistance or appointment, a lump sum exgratia grant of ₹1,00,000/- (Rupees One lakh only) or as specified from time to time shall be provided to the eligible family member(s) to meet the immediate needs on the loss of the bread earner within the fifteen days from the date of death. The concerned Head of Department shall be the competent authority for sanction of this grant under the relevant head

as mentioned in Schedule to these rules.” “2235 Social Security and Welfare-60 Other Social Security and Welfare programmes-200 Other Programmes-(X) Ex-gratia grant to the heir of Government employees-79-Ex-gratia.”

6. A bare perusal of the above rule would show that a sum of ₹1 lac was required to be given as lump sum ex-gratia grant so that the family distress is taken care of.

7. Once, nothing has been placed on record before this Court to show that the benefit under Rule 16 of 2019 Rules has been extended to the petitioners, this Court is of the view that respondents are liable to be directed to grant the petitioners the said benefit for which, they are entitled for as, no material qua the ineligibility of the petitioners to receive the said benefit has been brought to the notice of this Court.

8. Keeping in view the above, the present petition is disposed of with the direction to the respondents to grant the petitioners the benefits under Rule 16 of 2019 Rules qua the lump sum ex-gratia amount of ₹1 lac within a period of two months from the receipt of certified copy of this order.

August 02, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No