

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No. 4748-2023 (O&M)
Decided on : 24.07.2023

SUMAN

. . .Petitioner

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Madhur Panwar, Advocate for the petitioner.

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

HARSIMRAN SINGH SETHI , J. (Oral)

1. Present petition has been filed challenging the order dated 04.01.2023 (Annexure P-11) by which, petitioner has been directed to deposit Rs. 5, 51, 369/-, which she has taken on account of compassionate family assistance, which was provided to the petitioner after the death of her husband.

2. Certain facts needs to be mentioned herein for correct appreciation of the issue in hand.

3. Husband of the petitioner, who was working as Forest Guard in Forest Division Hisar unfortunately, died in an accident while in service on 08.11.2008. At the time of the death of the husband, the petitioner (widow) and the minor daughter were dependent upon the said deceased employee.

4. Keeping in view the financial assistance to be provided to the dependent of the deceased employee as per the Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rule 2006, both, the petitioner as well as the minor daughter were found entitled for the monthly salary, which the deceased employee was getting to be paid upto the age deceased employee was to attain the age of superannuation i.e.

01.12.2020.

5. The petitioner got re-married in year 2011, which fact was not disclosed by her to the authorities concerned and ultimately, a complaint was filed against her that despite re-marriage, the petitioner kept on getting the financial assistance which was being given to her being a widow of Suresh Singal.

6. Keeping in view the objections raised by the Department for the entitlement of the petitioner to get the financial assistance after her re-marriage, the petitioner brought to the notice of the authority that the minor daughter of the deceased employee is still entitled for continuing the said financial assistance even after the petitioner being ineligible to continue with the grant of financial benefit under 2006 Rule, it is a matter of the fact, starting from the year 2014, upto the date of entitlement i.e. 31.11.2020, the minor daughter has already got the said financial assistance.

7. By the impugned notice dated 04.01.2023 (Annexure P-11), the department has served a notice that after the re-marriage by the petitioner on 23.10.2011 as she continued to get the financial assistance till 31.05.2014 i.e. the date complaint was received, hence, the said amount which was paid to the petitioner during the period from 2011 upto 2014 should be refunded back. The said notice dated 04.01.2023 is challenged in the present petition.

8. Learned counsel for the petitioner argues that in the present case, even if it is assumed for the sake of arguments that after the re-marriage of the petitioner, petitioner become dis-entitled for the grant of financial assistance which was awarded to her after the death of her husband-Suresh Singal but the minor daughter of Suresh Singal (deceased) continued to be entitled for the said benefit till 30.11.2020, which was actually being paid to her hence, even if the the amount paid to the petitioner under 2006 Rule from the year 2011 to 2014 is to be withdrawn from the petitioner, the same will

only be given to the minor daughter hence, as her minor daughter, who is living with the petitioner and is being maintained by her, asking recovery through impugned notice will not serve any purpose as the minor daughter is already living with the petitioner and being maintained by her.

9. Learned counsel for the petitioner further submits that the petitioner has no objection if the amount in question is asked to be deposited in the account of her minor daughter directly so as to show that the amount which the petitioner got under the financial assistance from 24.10.2011 till 31.05.2014, for which the daughter was entitled for, has been deposited in her account.

10. Learned State counsel submits that legally the amount of financial assistance from the year 2011 to 2014 for which the petitioner was not entitled has been demanded back, but the State counsel does not dispute that the minor daughter of Suresh Singal (deceased) was being paid the financial assistance along with the petitioner and even if the petitioner being ineligible to get the said financial assistance, the minor daughter continued to be eligible to get the said financial assistance till 30.11.2020 and even if the amount sought to be recovered under the impugned order from the petitioner is refunded back the same amount has to be paid to the minor daughter of the deceased by the respondent State.

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

12. Keeping in view the facts and circumstances of the present case, as detailed herein before where the entitlement of the daughter to receive the financial assistance upto 30.11.2020 is not disputed hence even if the amount mentioned in the show cause notice is to be withdrawn from the petitioner i.e. widow of Suresh Singal, the same has to be credited in the

account of minor daughter of Suresh Singal only, after receiving the amount in question from the petitioner, once the petitioner has undertaken before this Court that she will deposit the said amount in the account of minor daughter of Suresh Singal directly, the grievance of the department should be treated as redressed.

13. Hence, the petitioner is directed to deposit the amount of Rs. 5, 51, 369/- in the account of minor daughter of Suresh Singal within a period of one month from today and also to give a proof with regard to said deposit to the department. In case the said proof is given, the impugned notice of recovery (Annexure P-11) to the petitioner shall be withdrawn by the respondent-department, as cause of action will no longer exist.

14. Accordingly, present petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

24.07.2023

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No