

2023:PHHC:060816

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

CWP-8850-2023 (O&M)

Date of decision: 27.04.2023

Paramjit Kaur and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr.Aftab Singh Khara, Advocate for the petitioners

Mr.Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The petitioner no.1, being widow of an employee, who died on 10.07.2020, prays for issuance of a writ in the nature of Mandamus to direct the respondents to grant her employment on compassionate basis or pay ex-gratia amount.

2. Learned State counsel has informed the Court that the petitioner no.1's husband had already crossed the age of 58 years, which is the normal age of superannuation. His period of service was extended under the prevalent policy of the State. It has been brought to the notice of this Court that vide instructions dated 27.12.2016 the benefit of compassionate appointment was extended to the employees dying during the period of extension in service. However, the same were withdrawn by a conscious decision. He further submits that the employees, who had died during the period of extension, after attaining the normal age of superannuation are not entitled to ex-gratia payment.

3. Learned counsel representing the petitioner, while referring

to Rule 2.7 and Annexure attached thereto submits that ex-gratia grant is payable to the employees without making any distinction irrespective of the employees and their age.

4. This Court has examined Rule 2.7 which only gives the discretion to the Government to allow ex-gratia grant to the member of the family of the Govt. employee, who dies in harness. Once a conscious decision has been taken by the Government on 01.07.2016 not to extend the payment of grant of ex gratia grant to the members of the family of Government employee who dies during the extended period, no ground to issue the writ, as prayed for, is made out.

5. Hence, dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

27.04.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE