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

**CWP No.12925 of 2021 (O&M)
Date of Decision: 10.01.2023**

SUSHILA DEVI

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sunil Hooda, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The petitioner has preferred this writ petition under Article 226 of the Constitution of India for the issuance of an appropriate writ in the nature of mandamus to the respondents for the release of monthly financial assistance, ex-gratia grant and other benefits admissible to the legal representatives of the deceased i.e. the petitioner along with interest.

The husband of the petitioner was appointed as Staff Nurse (male) in BPS Medical College for Women, Khanpur Kalan, District Sonapat (Haryana) on 15.05.2013. As per terms and conditions of the appointment letter, the husband of the

petitioner was required to get himself registered with the Haryana Nurses Registration Council within six months from the date of joining the service, otherwise his service was liable to be terminated without assigning any reason.

No such action was taken by the respondents when husband of the petitioner did not comply with condition No.5 of the appointment letter. Rather the respondents allowed the husband of the petitioner to complete his probation period of two years successfully. Husband of the petitioner died on 11.10.2020.

The petitioner has applied for the release of monthly financial assistance, ex-gratia grants and other benefits as per Rule 6 of the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019 which came into effect from 01.08.2019. The date of birth of husband of the petitioner was 01.08.1964. He would have completed the age of 60 years in the year 2024 had he been alive. The case of the petitioner falls under Clause 3 of Rule 6 of the aforesaid Rules, which prescribes that the admissibility of financial assistance from the next day of the death of the Government employee for a period of 7 years or upto the date of attaining the age of superannuation or 60 years whichever is earlier subject to eligibility.

Since the respondent-Department has not taken any

action against husband of the petitioner for not submitting registration certificate from the Haryana Nurses Registration Council within six months from the date of his joining the service, rather the probation period of the husband of the petitioner was cleared without there being any objection, therefore, the eligibility of the petitioner is not in dispute.

Learned Senior counsel for the petitioner refers to the order dated 19.08.2016 passed in **CWP No.11196 of 2009** titled **'Krishna Shanwal vs. Choudhary Charan Singh Haryana Agricultural University, Hisar and another'** wherein similar issue arose for consideration of the Court and the Court ultimately held that since no departmental proceedings were initiated against the petitioner therein, therefore, the benefit to the legal heirs cannot be withheld. The said writ petition was allowed and the respondents therein were directed to release the retiral benefits of the deceased within a time bound manner along with interest @ 9% per annum.

In view of aforesaid factual position of the case, the alleged contemplation on behalf of the respondents to initiate any action at this belated stage is totally unwarranted.

This writ petition is allowed. The respondents are directed to consider the claim of the petitioner in terms of Rule 6 of the Haryana Civil Services (Compassionate Financial

Assistance or Appointment) Rules, 2019 and pass an appropriate order in this context. The entitlement of the petitioner shall be adjudged from the date of accrual of the benefit i.e. from the date of death of husband of the petitioner on 11.10.2020 till final realisation of the amount along with interest @ 9% per annum.

Let the needful in the aforesaid context be done within a period of two months from the date of receipt of certified copy of this order.

January 10, 2023	(RAJ MOHAN SINGH)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No