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2023:PHHC:166533

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-11630-2016

DECIDED ON: 28th JULY, 2023

KHUSHI

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. N.K. Malhotra, Advocate
for the petitioners.

Mr. Sandeep S. Mann, Addl. AG, Haryana.

Mr. Ajay Chaudhary, Advocate
for respondent No.3.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Articles 226 and 227 of the Constitution of India has been invoked for issuance of a writ in the nature of *Certiorari* for quashing the order dated 22.01.2016 (Annexure P-9) whereby, the representations dated 15.02.2012 and 15.03.2015 (Annexures P-6 and P-7 respectively) has been dismissed stating that no benefit can be granted to the petitioner.

2. In brief, the facts of the case are that the father of the petitioner was working as a Storekeeper since 1984 as regular service and was expired on 24.05.2006. The respondent-Society has passed a resolution dated 12.06.2006 and decided to pay an amount of Rs.5,00,000/- to the petitioner as *ex-gratia* financial assistance immediately. No salary

or financial assistance in view of afore-said resolution has been paid to the petitioner. A writ petition bearing CWP-21262-2015 was filed by the petitioner before this Court, which stands disposed of vide order dated 05.10.2015 and direction was issued to respondent No.2 to take a decision on representations filed by the petitioner in view of letters dated 12.06.2006 and 15.02.2013. In compliance of order dated 05.10.2015, respondents have rejected the representations. Hence, the present petition.

3. Learned counsel for the petitioner has contended that the claim of the petitioner for grant of *ex-gratia* financial assistance has been wrongly and illegally rejected by the respondents.

4. Learned counsel for respondent No.3 has contended that the father of the petitioner i.e. Sh. Joginder was serving as Storekeeper in The Hansi Marketing-cum-Processing Cooperative Sugar Ltd., Anaj Mandi, Hansi and he was governed by the Rules i.e. Staff Service Rules of the Primary Marketing-cum-Processing Cooperative Societies Ltd., 2003. It is clear from the rules that there was no provision in these Rules regarding granting *ex-gratia* benefits to the dependent of the employees of the Societies who expired during his services. It is submitted that vide order dated 17.10.2004 passed by Registrar, Cooperative Societies Haryana, Sub Rule (c) has been added in Rule 6 of the Rules, which reads as under:-

“Ex-Gratia Assistance:- *In case of death of a regular employee during the service a lump-sum Ex-Gratia Assistance of Rs.2.50 lacs shall be provided to the dependents of the deceased or as instructions issued by the Registrar Co-operative Societies, Haryana from time to time.”*

5. It is asserted on behalf of respondent No.3 that the afore-said amendment/amended Rule i.e. Sub Rule (c) of Rule 6 Staff Service Rules

of the Primary Marketing-cum-Processing Cooperative Societies Ltd. 2003 is not applicable in the case in hand as the petitioner's father expired on 24.05.2006 and amendment in relevant rules took place only on 17.10.2014. Hence, he prays for dismissal of the present petition.

6. Vide Resolution dated 12.06.2006, it has been decided that as per rule Sh. Joginder Singh (since deceased) deserve EPF, Gratuity, leave salary and compensation and the benefit should be given to his sons Sh. Munish Sihag and Kapil and daughter Khusi Sihag because wife of Sh. Joginder Singh has already been expired before releasing the amount. It is clearly mentioned in the said resolution that in the case of Kaithal Cooperative Society the upper Registrar Cooperative Societies, Chandigarh has passed the order dated 21.11.2004 for granting the ex-gratia compensation and Kaithal Cooperative Society and after this decision has given the compensation there two employee vide Resolutions No.7 and 9 dated 17.02.2005 as ex-gratia compensation. Accordingly, the petitioner is also entitled for ex-gratia compensation of Rs.5,00,000/-, in view of resolution dated 12.06.2006 (Annexure P-4). The same be released to the petitioner within a period of one month from the date of receipt of certified copy of this order along-with interest @6% per annum from the date it became due and till its actual realization.

7. In view of the afore-said terms, the present petition is allowed.

(SANDEEP MOUDGIL)
JUDGE

28th JULY, 2023

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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable : | Yes / No |