

211

2023:PHHC:146969

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15149-2015

DECIDED ON: 20th NOVEMBER, 2023

NARENDER KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. S.P. Chahar, Advocate, for the petitioner.

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

Mr. Jasmeet Singh Bedi, Advocate, for respondent No.4.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Articles 226/227 of the Constitution of India has been invoked for issuance of a writ in the nature of *Mandamus* directing the respondents to grant appointment on *ex-gratia* basis to the petitioner; or in the alternative to grant the financial assistance or monthly *ex-gratia* financial assistance according to the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005 or 2006.

2. Today, learned counsel for the petitioner though submits that the case of the petitioner for grant of financial assistance has been considered by respondent No.4-Municipal Corporation, Rohtak and the petitioner was granted *ex-gratia* payment to the tune of Rs.2.5 lakh vide order dated 20.02.2020, which is already available on record as Mark 'A'. He submits that the petitioner is also entitled to interest at least 6% per annum.

3. On other hand, Mr. Jasmeet Singh Bedi, learned counsel for respondent No.4 has vehemently contended that in pursuance of the order dated 25.09.2019,

there is a specific denial of receipt of applications dated 03.08.2005, 28.05.2007 and legal notice dated 02.12.2014 (Annexures P-4, P-5 and P-6 respectively) and in the light of the same, no delay can be attributed upon respondent No.4 for making them liable to pay interest on *ex-gratia* payment, which was granted to the petitioner on 20.02.2020.

4. This Court has also put a query to learned counsel for the petitioner with regard to any postal receipts qua Annexures P-4, P-5 and P-6 but he is not in a position to produce the same. Hence, nothing survives in the present petition.

5. From the afore-said facts, it is abundantly clear that during the pendency of the present petition and on sincere efforts made by Mr. Bedi, learned counsel for respondent No.4, an amount of Rs.2.5 lakh was granted to the petitioner on account of *ex-gratia* payment under Haryana Government Ex-gratia Policy 2003 and 2004.

6. In view of above, the present petition is disposed of as having been rendered infructuous.

7. However, it is made clear that in case the amount has not been released to the petitioner the same be released within a period of two weeks' from today either to the petitioner or his LR. Since no delay can be attributed to respondent No.4, as is evident from the pleadings, which have been duly controverted by way of filing affidavit dated 31.10.2017, therefore, respondent No.4 cannot be held liable to pay interest.

(SANDEEP MOUDGIL)
JUDGE

20.11.2023

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Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*