

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(234)

CWP-18017-2019

Date of Decision : November 20, 2023

Raksha Devi Sharma

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhilaksh Grover, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the husband of the petitioner was working as a Constable in the Haryana Police and unfortunately died due to heart attack while in service on 26.04.2001.

2. Keeping in view the fact that at the time when the husband of the petitioner died, the dependent had two options either to claim the ex-gratia appointment or to claim ex-gratia financial assistance of Rs.2.5 lacs.

3. The petitioner choose to apply for the ex-gratia appointment rather than the ex-gratia financial assistance.

4. Keeping in view the fact that there were no posts available, the ex-gratia appointment was not extended to petitioner after which, the petitioner was asked whether she is interested to get ex-gratia financial assistance of Rs.2.5 lacs, which proposal of the Department was not

accepted by the petitioner.

5. Ultimately, the petitioner accepted the fact that the petitioner is only entitled for the benefit of ex-gratia financial assistance and the Department was directed to consider her claim.

6. After considering her claim, vide order dated 26.03.2019 (Annexure P-11), the same was declined on the ground that the petitioner did not file the request for ex-gratia financial assistance within the time frame and therefore, the same cannot be granted to her being time barred.

7. The said order is under challenge in the present writ petition.

8. Learned State counsel submits that once an option was given to the petitioner to accept Rs.2.5 lacs and reminders were also issued to her for submitting her options but as the petitioner did not choose to accept the same, the petitioner is now estopped from claiming the ex-gratia financial assistance.

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

10. The scheme which was framed by the respondents is a beneficial scheme so as to financially help the dependent of the deceased employee. It is admitted fact that after the death of the husband of the petitioner, she had requested for appointment, which appointment could not be given to her due to the fact that no post was available at that time. Once, the petitioner was not given her option of compassionate appointment, it was incumbent upon the respondents to grant the other benefit admissible in lieu of the compassionate appointment i.e. ex-gratia financial assistance upto to Rs.2.5 lacs.

11. The ground taken by the respondents to deny the benefit is that initially the petitioner did not apply for the grant of ex-gratia financial

assistance of Rs.2.5 lacs and later on, the said claim became time barred. Once the claim of the petitioner for grant of appointment was under consideration, it was only after the said claim was exhausted to hold that she could not be given appointment, it is only at that stage the petitioner could have raised a claim for financial assistance which the petitioner raised, hence, the rejection of the claim of ex-gratia financial assistance of Rs.2.5 lacs by the respondents as time barred is totally arbitrary and illegal. Respondents are directed to release the said amount of Rs.2.5 lacs to the petitioner within a period of two months from the receipt of copy of this order as the same benefit had already been approved in favour of the petitioner.

12. The present writ petition is disposed of in above terms.

November 20, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No