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

CWP No.21425 of 2018(O&M)

Date of Decision:18.01.2023

RAJ RANI

..... Petitioner

Vs.

STATE OF HARYANA & ORS

... Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. B.S. Mittal, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

RAJ MOHAN SINGH, J.

[1]. The petitioner has preferred this petition for the issuance of an appropriate writ in the nature of mandamus, directing the respondents to grant *ex-gratia* compassionate financial assistance of Rs.5 lacs along with the interest under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules, 2005.

[2]. The husband of the petitioner was an employee of the Transport Department, Haryana and was working as a Fitter in

the office of the respondent No.3 and he died on 10.04.1996 while in service.

[3]. After the demise of her husband, the petitioner did not file any claim for her compassionate appointment, rather her son Dinesh filed a civil suit for declaration with consequential relief of mandatory injunction against the respondent-State.

[4]. The suit was filed on 02.02.2008 i.e. after coming into force of 2005 Rules. The suit was decreed vide judgment and decree dated 24.12.2009, however, the same was reversed in first appeal before the Additional District Judge vide judgment and decree dated 30.03.2010. The order was upheld in RSA No.2772 of 2010, which was dismissed on 23.08.2016. After dismissal of the claim of son of the petitioner, the petitioner served a legal notice upon the respondents on 10.11.2017.

[5]. Perusal of the pleadings in the present writ petition would indicate that there is no averment made in the petition as regards filing of any application under 2005 Rules.

[6]. Vide order dated 26.04.2022, learned counsel for the petitioner sought time to place on record an application, which the petitioner had submitted prior to the promulgation of 2005 Rules for the grant of compassionate assistance to the petitioner.

[7]. Today, learned counsel for the petitioner submits that

there is no such application available with the petitioner. The claim as regards the relief of compassionate assistance after promulgation of 2005 Rules has been raked up only in the form of serving a legal notice dated 10.11.2017.

[8]. At this stage, without meaning anything on merits of the case, it would be appropriate to direct the respondent No.2 to consider the legal notice dated 10.11.2017 of the petitioner strictly in accordance with law and pass an appropriate order within two months from the date of receipt of certified copy of this order.

[9]. Disposed of.

18.01.2023
Prince

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**