

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

(217)

CWP-5441-2017

Date of Decision : September 12, 2023

Pushpa Devi

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Narender Kumar Vashist, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed for the grant of benefits under the Instructions dated 27.11.2014 (Annexure P-3) so as to grant the benefit of compassionate financial assistance to the family of the deceased employee, which benefit has not been extended to the petitioner.

2. As per the averments made in the petition, the petitioner's husband retired from the Department of Education after rendering more than 34 years of service. After the retirement, keeping in view the satisfactory service of the husband of the petitioner, he was given a contractual appointment as a Manager of Mid-Day-Meal in the Department of Elementary Education. While the husband of the petitioner was working as a Manager of Mid-Day-Meal on contractual basis with the Department of Education, Government of Haryana, he unfortunately died on 25.12.2015. After his death, the petitioner claimed the benefit under the Instructions dated 27.11.2014 (Annexure P-3) according to which, any employee working with the Government, Board, Corporation or the Public

Undertaking, on adhoc, daily wage or contractual basis and unfortunately died in service, the family will be given a sum of Rs.3 lacs. The claim of the petitioner is that the said benefit has not been extended to the petitioner despite being eligible.

3. Upon notice of motion, the respondents have filed the reply and stated that once the husband of the petitioner was pensioner and drawing pension, the benefit of the Instructions dated 27.11.2014 (Annexure P-3) cannot be extended to him though it is a conceded position that the husband of the petitioner was working as a Manager in the Mid-Day-Meal on contractual basis with the Department of Education at the time of his death.

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

5. In the present petition, the claim of the petitioner is only qua the service which the husband of the petitioner was rendering at the time of his death on contractual basis as Manager of Mid-Day-Meal with the Department of Education, Government of Haryana. The said fact is conceded by the learned counsel for the respondent-State.

6. The only question which arises is whether or not the petitioner will be entitled for the benefit under the Instructions dated 27.11.2014 (Annexure P-3) in view of the earlier service rendered by the husband of the petitioner with the Department of Education, for which he is getting pension.

7. A bare perusal of the Instructions dated 27.11.2014 (Annexure P-3) would mean that any contractual employee working in the Government of Haryana, Board or Public Undertaking, if died during the service, the family of the deceased will be entitled for compensation of Rs.3 lacs.

8. Once, it is a conceded position that the husband of the

petitioner was working on contractual basis with the Department of Education, Government of Haryana at the time of his death, the said instructions will be applicable irrespective of the fact that the husband of the petitioner was a pensioner. There is nothing mentioned in the instructions which prohibits the grant of relief under the instructions to a pensioner, who has been re-employed on contractual basis, hence, the stand of the respondents that petitioner being a pensioner is not entitled for the benefit under the instructions dated 27.11.2014 (Annexure P-3) is not supported by the instructions.

9. In the absence of any such embargo put under the instructions qua the pensioner, the same cannot be put by the respondents by interpreting the said Instructions dated 27.11.2014 (Annexure P-3) to mean that the petitioner will not be entitled for the benefit under the Instructions dated 27.11.2014 (Annexure P-3).

10. A plain reading of the Instructions dated 27.11.2014 (Annexure P-3) would make it clear that the petitioner, who was working on contractual basis with the respondent-State at the time of his death, is entitled for the grant of Rs.3 lacs.

11. Keeping in view the above, the prayer of the petitioner is allowed. Respondents are directed to release a sum of Rs.3 lacs to the petitioner under the Instructions dated 27.11.2014 (Annexure P-3) within a period of two months from the receipt of certified copy of this order.

September 12, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No