

CWP No. 22007 of 2023

2023:PHHC:127584

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(119)

CWP No. 22007 of 2023

Date of Decision : 03.10.2023

Moti Lal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ajay Vijarana, Advocate for the petitioner.

Harsimran Singh Sethi J. (Oral)

In the present petition, the challenge is to the order dated 30.12.2021 (Annexure P-2) by which the ex-gratia amount admissible, has been released in favour of the entitled family members, which was admissible under 2011 Policy.

The petitioner has filed the present petition claiming that he is the son of Chandi Ram, who was working as Sweeper with the Civil Surgeon, Bhiwani and had, unfortunately, died while in service on 18.09.2011 and under the Policy, which was prevalent at the time of the death of the father of the petitioner, a sum of Rs. 25,000/- as ex-gratia amount has been paid under 2006 Policy, which is clear from the impugned order dated 30.12.2021 (Annexure P-2), whereas the benefits in respect of the service rendered by Sh. Chandi Ram have already been

released to the family members but the petitioner has not been found entitled for any benefit keeping in view the rules governing the service.

Learned counsel for the petitioner submits that the impugned order dated 30.12.2021 (Annexure P-2) is totally arbitrary and illegal as, ex-gratia amount was to be given under the 2019 Policy instead of 2006 Policy and further, as the service benefits have been released in favour of the entitled family members in the year 2021 i.e. after a period of 10 years, the same should have been granted along with interest.

I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

It may be noticed that the petitioner has not been found entitled for any benefit by the respondent-department while passing the impugned order, keeping in view the fact that at the time of the death of his father the petitioner was already above 25 years of age. That being so, as the petitioner being not eligible cannot raise any grievance with regard to the benefits extended to the entitled family members. The entitled family members, in whose favour the benefits have been extended, have not approached this Court raising any grievance, hence, the petitioner, who is ineligible as per the respondents to claim any benefit and has not been able to show his eligibility under the rules to claim any benefit, cannot raise any grievance qua the benefits extended vide impugned order.

Even otherwise, the argument, which has been raised by the learned counsel for the petitioner is that as per Note-I of Rule 3 of

Haryana Civil Services(Compassionate Financial Assistance or Appointment) Rule 2019, any application pending claiming ex-gratia amount should be considered under 2019 Rules, it may be submitted that only the applications, which were filed raising a claim under 2006 Rules and were pending, are covered under Note I. Nothing has been brought to the notice of this Court that the petitioner has raised any claim under 2006 Rules before the promulgation of 2019 Rules. Rather, as per the impugned order dated 30.12.2021 (Annexure P-2), the first claim was raised by the petitioner for the ex-gratia amount on 10.12.2021, which is after the promulgation of 2019 Rules, hence, it cannot be said that any application seeking ex-gratia benefit under 2006 Rules was ever pending so as to be taken into consideration under 2019 Rules.

Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

Dismissed.

October 03, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No