



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

807

CWP-13502-2007
Date of Decision:24.09.2024

Smt. Parmeela

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner.

Mr. Tapan Kumar, DAG, Haryana

AMAN CHAUDHARY J. (Oral)

1. Prayer made in this petition is for grant of ex-gratia appointment or in the alternative compassionate assistance under the Haryana Compassionate Assistance to the Dependent of Deceased Government Employees, Rules 2006.
2. The husband of the petitioner, who was appointed as a Constable on 30.11.2003 unfortunately expired on 14.06.2006 due to heart attack at the age of 26 years, leaving behind her, one son, a daughter as well as his mother, who were all dependent on him. There was ex-gratia amount under 2006 Rules *albeit* as the case of petitioner was pending at the relevant date which is 01.08.2006 when they came into effect. The PPO and GPO having been issued on 11.08.2006. The aforesaid rules envisaged that all pending cases of the ex-gratia assistance shall be dealt with as per the said Rules, wherein Condition No.6 reads thus:



shall be made to such cases from the date of notifications of these rules. However, the families will have the option to opt for the lump sum ex-gratia grant provided in rules 2003 or 2005, as the case may be, in lieu of the monthly financial assistance provided under the Haryana Compassionate Assistance to the dependent of deceased Government Employees, Rules, 2006.”

3. Hon’ble the Supreme Court in **State of Haryana and anr. vs. Kamlesh¹**, had observed thus:

“Learned counsel for the appellants submit that the impugned order of the High Court is untenable because according to Rule 3 (d) it is mentioned that an employee who has served the Government for three years would be entitled to be regularized. Three years service means the regular service which is disputed by learned counsel appearing for the respondents.

Learned counsel for the appellants has brought to our notice the Haryana Government General Administration Department Notification dated 10th February, 2004. Rule 6 reads as under:

“(1) In case the dependent of the deceased Government employee is not eligible for the appointment on any ground mentioned in clauses (c) and (g) of this rule and rule 16 (a), the family member shall be given ex-gratia assistance of Rupees 2.5 lacs.”

Some of the respondents in these appeals submit that they have already exercised this option.

Learned counsel for the appellants submit that all those respondents who are willing to give undertaking to the Department under this Rule would also get ex-gratia assistance of Rupees 2.5 lacs. We direct the concerned Department of the State of Haryana to make the grant of ex-gratia payment of Rupees 2.5 lacs within six weeks from the date of giving of the undertaking to the concerned department.

The appeals are, accordingly, disposed of.”

4. Learned State counsel has no objection if the present petition is disposed of in terms of **Kamlesh** (supra).

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents that in case the petitioner submits a representation giving option, the same shall be



considered in accordance with law and if found entitled for the same, it shall be released to her within two months of such decision having been taken.

(AMAN CHAUDHARY)
JUDGE

September 24, 2024
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Whether speaking : Yes/No
Whether reportable : Yes/No