

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

244+246

Decided on :16.05.2024

244 CWP-8816-2022 (O&M)

SUNITA DEVI AND ANOTHER

. .petitioners

Versus

STATE OF HARYANA & OTHERS

. . . Respondents

246 CWP-11099-2022 (O&M)

YASHIKA

. .petitioner

Versus

STATE OF HARYANA & OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Munish Gupta, Advocate for the petitioners
in CWP-8816-2022.

Mr. Amit Kaith, Advocate for the petitioner
in CWP-11099-2022.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. By this common order, two writ petitions details of which are given in the heading of his order, are being decided as they relate to the same controversy on similar facts.

2. In the present petition, the grievance being raised by the petitioners is that keeping in view the notification dated 02.08.2019 (Annexure P-4), vide which, the **Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019** have been promulgated



for the compassionate appointment, the petitioners are entitled for the grant of benefit of compassionate appointment.

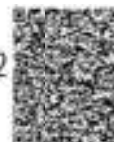
3. Certain facts needs to be mentioned for correct appreciation of the issue in hand, are taken from CWP-8816-2022.

4. The husband of petitioner No. 1 and father of petitioner No. 2, namely Surender Kumar was working as a Fitter Porter with the respondents-department on regular basis since 31.03.1996, but unfortunately, while working on the said post, Surender Kumar died in harness on 06.06.2015, Copy of the death certificate of Surender Kumar has been appended as Annexure P-1. At the time of the death of Surender Kumar (husband of petitioner No. 1), the **Haryana Compassionate Assistance to the Dependents of Deceased Government Employees (Amendment), Rules, 2006** were in operation. According to the said 2006 Rules, there was no option of grant of benefit of compassionate appointment is available and only the benefit of monthly financial assistance was available.

5. The benefit of monthly financial assistance admissible under the 2006 Rules, was extended to the petitioners w.e.f. 07.06.2015 to 06.06.2022 by the respondents vide order dated 09.09.2015.

6. After the promulgation of 2019 Rules, the petitioners are claiming the benefit of Note-I given in 2019 Rules so as to claim that they should be considered for the grant of benefit of compassionate appointment.

7. Upon the notice of motion, the respondents have filed the reply. In the reply, the respondents have stated that once, the claim of the petitioners for the grant of financial assistance got satisfied in the year 2015, the 2019 Rules cannot be made applicable and reliance being placed upon the Note I of the 2019 Rules.



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

9. Keeping in view the facts and circumstances of the present case and the date of the death of deceased employee, namely, Surender Kumar (husband of petitioner No. 1), the 2006 Rules will be applicable in the case of the petitioners for the grant of the financial benefits.

10. It has already come on record that the financial assistance payable as per 2006 Rules has already been paid to the legal heirs of the Surender Kumar in the year 2015 and after the grant of the said benefit, the claim of the petitioners stands satisfied. Once, the claim of the petitioners for the grant of the financial assistance stood satisfied merely that the option of the grant of compassionate appointment has been given in the 2019 Rules, the petitioners after availing the benefit of financial assistance, cannot claim the said option.

11. It may be noticed that keeping in view the judgment of the Full Bench of this Court in **Krishna Kumari vs. State of Haryana 2012 (2) SCT 736, 2012 (2) RSJ 473**, the rules which were applicable at the time of death of an employee are to be taken into consideration to ascertain as to whether the claimant is entitled for any financial benefit or not. In the present case, it is a conceded position that at the time of death of the Surender Kumar (husband of petitioner No. 1), the 2006 Rules were applicable.

12. Even otherwise, the petitioner is misreading the Note I of the Rules 2019. It is only in case, that the financial assistance as admissible under 2006 Rules has not been extended upto the date of promulgation of 2019 Rules, the employee has an option to opt for 2019 Rules. But in the present case, the petitioners had already been given the benefit of financial



assistance in the year 2015 i.e. much before the promulgation of the Rules 2019, hence, the claim of the petitioners for the grant compassionate appointment under 2019 Rules is misplaced by misreading the Note I of the 2019 Rules.

13. Keeping in view the above facts and circumstances recorded herein above, no ground is made out for any interference by this Court in the present petitions, hence, the present petitions stand dismissed.

14. Pending civil miscellaneous application, if any, stands disposed of.

15. A photocopy of this order be placed on the files of connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

16.05.2024

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Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*