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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-10079-2016 (O&M)

Date of Decision: 25.01.2024

Neeraj Kumar

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sushil Jain, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

Mr. Subhash Ahuja, Advocate, for respondent No.3.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of *Mandamus* directing the respondents to grant financial assistance to the petitioner as per Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (hereinafter referred to as 'Government Employees Rules, 2006')

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the father of the petitioner had died on 30.04.2009 and he was working as a Secretary in Farukh Nagar Cooperative Credit & Services Society Ltd., Farukh Nagar, Gurgaon. He further submitted that prior to his death, he was dismissed from service on

19.07.2008 wherein he had assailed the order of dismissal and on appeal, the order of dismissal was set aside and thereafter, he was reinstated in service and when he died on 30.04.2009, he was in service which is an undisputed position. He also submitted that after the death of the father of the petitioner, he was entitled to benefit under the Government Employees Rules, 2006 and particularly Rule 5 for financial assistance as well as ex-gratia assistance but no such benefit has been granted to the petitioner or the family members. He also submitted that even an order has not been passed for declining the claim of the petitioner in this regard. He submitted that as per Rule 5, there was no need to raise a specific claim because the rights had flown from the Statutory Rules.

3. On the other hand, Mr. Subhash Ahuja, learned counsel appearing on behalf of respondent No.3 while referring to the reply filed by respondent No.3 submitted that the petitioner has never made any application or representation or any claim nor any other family members have made any claim and therefore, there was no occasion for the respondent-Bank to have granted the benefit. He also submitted that so far as the factual position that the father of the petitioner was in service at the time of his father, the same has not been disputed by the respondent-Bank. He has however submitted that in pursuance of the aforesaid Rules, the petitioner or the family members were not entitled for the grant of benefit because there was no occasion for the Bank to have dealt with any representation which was never filed by any of the family members.

4. I have heard the learned counsel for the parties.

5. The petitioner is seeking claim under the Statutory Rules as aforesaid. However, it is a case of the respondent-Bank that the petitioner or

the family members did not file any representation or any claim etc. However, a perusal of Rule 5 would show that it has been so specifically stated that the benefit is to be granted without raising any claim. Be that as it may, this Court deems it fit and proper to dispose of the present petition by issuance of directions to the respondent-Bank to consider the rights of the petitioner or any other family members in this regard and to take a final decision on the same. Consequently, the present petition is disposed of with the following directions:-

- (i) The petitioner or any of the family members of the deceased namely, Vijay Singh will be at liberty to file any such application/representation to the respondent-Bank within a period of one month from today.
- (ii) In the event of the petitioner or any of the family members of filing any application/representation as aforesaid within the aforesaid period, then the respondent-Bank shall consider and decide the same in accordance with the aforesaid Rules and in accordance with law and after giving an opportunity of hearing to the applicant within next three months.
- (iii) In case the petitioner or any other family members are found to be entitled for the relief under the aforesaid Rules or under any provision of law, then the respondent-Bank shall release the same to them within next two months alongwith interest @ 6% per annum.
- (iv) In the eventuality of non-grant of any relief by way of an order of the Bank, then the petitioner shall be at liberty to

file an appropriate application/petition before this Court in
accordance with law.

25.01.2024

(JASGURPREET SINGH PURI)
JUDGE

rakesh

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