



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(257)

CWP No. 25503 of 2022
Date of Decision : 16.05.2024

Prem Lata

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raman Chawla, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the claim of the petitioner is that her husband, namely, Sunder Singh, who was working as a Constable, died while in service on 26.03.1997 leaving behind the petitioner and two sons, namely, Rohit and Rahul. Both Rohit and Rahul were minor at the time of death of the husband of the petitioner and the petitioner made a request to the respondents that keeping in view the ex-gratia policy of 1995, which was applicable at the relevant time, the petitioner be granted the compassionate appointment.

2. The claim of the petitioner was rejected by the respondents on the ground that the same was time barred as the petitioner never



applied within a period of three years of the death of her husband. Ultimately, the petitioner availed the remedy by filing writ petition being CWP No. 8998 of 2021, which came to be dismissed on 03.09.2021 (Annexure P-4) by giving the liberty to the petitioner to avail alternative benefit i.e. financial assistance/ ex-gratia compensation. Against the said judgment, the petitioner availed the benefit of appeal, which LPA No. 950 of 2021 also came to be dismissed while granting the liberty to claim the benefit of financial assistance (Annexure P-5).

3. Thereafter, the petitioner claimed the benefit of financial assistance as admissible under the 2006 Policy on the ground that the claim of the petitioner which subsisted upto the year 2006 is to be decided under 2006 Policy, which benefit has been declined by the respondents, which action of the respondents is under challenge in the present petition.

4. At the outset, learned counsel for the petitioner submits that petitioner will be satisfied in case, the ex-gratia amount as admissible to her under 1995 Policy, which was operational at the time of death of her husband, is granted to her.

5. Learned counsel for the respondents submits that the petitioner has not raised the said claim within the time frame and the same is time barred.

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



7. It is a conceded position that under 1995 Policy, the petitioner could have either claimed the benefit of compassionate appointment or benefit of the financial assistance. The petitioner claimed the benefit of compassionate appointment, which was declined by the respondents, which issue only attained finality in the year 2021, wherein the Co-ordinate Bench of this Court while passing order in CWP No. 8998 of 2021, allowed the petitioner to claim the benefit of financial assistance.

8. Once, the petitioner’s eligibility to claim financial benefit existed in the year 1997 also and the petitioner was exercising the option of compassionate appointment, which could not be given to her for any reason, her claim for financial assistance cannot be taken away. Hence, the petitioner is held entitled for the grant of benefit of compassionate financial assistance on account of the death of her husband as admissible under the 1995 Policy. The respondents are directed to compute the amount as admissible to the petitioner and release the same to the petitioner within a period of eight weeks from the date of receipt of copy of this order.

Petition is disposed of in above terms.

May 16, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No