

Neutral Citation No. 2024:PHHC:055331-DB
**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(105)

**LPA-1870-2023 (O&M)
Decided on : 24.04.2024**

State of Haryana and others

.....Appellant(s)

Versus

Saroj

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr. Deepak Balyan, Addl. AG, Haryana
for the appellants.

Mr. Anurag Chopra, Advocate for the respondent
(Amicus Curaie).

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-4704 & 4707-LPA-2023

Applications for condoning the delay of 111 days in re-filing and 75 days in filing the appeal are allowed in view of the averments made in the applications, duly supported by affidavit of the official. Delay of 111 days in re-filing and 75 days in filing the appeal is hereby condoned.

CMs stand disposed of.

LPA-1870-2023 (O&M)

Consideration in the present letters patent appeal is sought of the judgment of the learned Single Judge dated 13.03.2023 passed in **CWP No.8070 of 2011 ‘Saroj Vs. State of Haryana and others’**, whereby the writ petition was allowed by directing the State to make the payment of compassionate financial assistance of Rs.2.5 laks to the writ petitioner alongwith interest @ 6% per annum from the date of the order dated 26.03.2004 (Annexure P-2) when the case of the writ petitioner was rejected under Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2003.

2. The learned Single Judge noticed that the writ petitioner's husband had died during service and son being minor the request for compassionate appointment had been rejected, but the rules as such provided for consideration. Accordingly, he had directed the appellant herein to make payment by noticing that the authorities had taken 8 years to decide and reject the case of the writ petitioner. Reliance was placed upon the judgment of the Apex Court in **Civil Appeal Nos.8842-8855 of 2022 'State of West Bengal Vs. Dababrata Tiwari and others'** decided on 03.03.2023. The objection that the writ petitioner had not challenged the order dated 10.04.2013 (Annexure R-1) was rejected whereby the claim for compassionate appointment had been rejected on the ground that son was only 3 years old and, therefore, the benefit could not be granted the appointment and the claim has been rejected, was also brushed aside by holding that the petitioner could not be compelled to initiate fresh round of litigation. While exercising the extra-ordinary powers vested in the Court under Article 226 of the Constitution of India, the learned Single Judge delivered the justice and had given the necessary directions.

3. The State filed the appeal, whereby the Coordinate Bench had noticed that the amount actually due should have been Rs.5 lakhs (wrongly recorded as Rs.6 lakhs on 24.01.2024) as per the Rules of the State and resultantly directed that the amount be paid alongwith the necessary interest. On 13.03.2024, we had noticed that Rs.5 lakhs had been paid on 07.03.2024, in compliance of the earlier order. We had directed that the interest element be also paid.

4. Today, affidavit of the Smt. Sanjit Kaur, Deputy Director, DIC, Rohtak on behalf of the appellants has been filed stating that the amount of Rs.8,98,274/- has been disbursed in the account of the writ petitioner and proof of the same has been attached as Annexure-I.

5. In such circumstances, keeping in view the fact that it was the legal right of the writ petitioner, in view of the policy framed by the State itself regarding the payment of financial assistance, in the case of death of the bread-earner, which had been denied in spite of the legal right and therefore it is the duty of the State itself to pay the amount. Having not done so, the learned Single Judge was correct for directing the payment alongwith interest to compensate for the delay. Resultantly, no fault can be found in the reasoning given by the learned Single Judge, more so when the payment has already been paid by way of interim orders.

6. Resultantly, there is no merit in the preset letters patent appeal and same is hereby dismissed. Pending application(s) if any also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

24.04.2024
Naveen

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No