**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

233 (3 cases) **Date of Decision: 06.08.2025**

CWP-5679-2022

Sushma Devi **...Petitioner(s)**

Versus

State of Haryana and others **...Respondent(s)**

With

CWP-7003-2022

Kamlesh **...Petitioner(s)**

Versus

State of Haryana and others **...Respondent(s)**

And

CWP-5324-2022

Saroj Bala and others **...Petitioner(s)**

Versus

State of Haryana and others **...Respondent(s)**

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Anurag Goyal, Advocate for the petitioner(s) in CWP-5679-2022 and CWP-7003-2022

Mr. Manav Bajaj, Advocate for the petitioners in CWP-5324-2022

Mr. Rohit Arya, Additional Advocate General, Haryana

<u>TRIBHUVAN DAHIYA, J. (Oral)</u>

The aforesaid petitions are being decided together since common questions of law based on similar facts arise for consideration in these matters.

For brevity, facts are being noticed from CWP-5679-2022, which has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to release the compassionate financial assistance to the petitioner in terms of the Haryana Civil Services (Compassionate Financial Assistance or Appointment) Rules, 2019 (for short, 'the 2019 Rules'), Annexure P-6.

2. The petitioner's husband was offered appointment as Junior Basic Training/Primary Teacher in the respondent Department on 13.12.2010, and joined as such on 05.01.2011. Thereafter, he remained posted in different schools and unfortunately died when he was about thirty-eight years of age, on 02.02.2020, as established from the death certificate dated 02.07.2020, Annexure P-5. His widow, the petitioner, claimed compassionate financial assistance under the 2019 Rules, and a legal notice was issued to the Department on her behalf. In reply thereto, vide letter dated 15/16.12.2021, Annexure P-8, it was conveyed that her case for releasing the benefit had been sent to the Chief Secretary, whose observations were awaited and without getting the observations, the benefit cannot be released. It remains undisputed that no action for releasing the compassionate assistance to the petitioner was taken by the Department thereafter. In the written statement filed on behalf of the respondents, it has been pleaded, '*That it is worthwhile to mention here that vide File No. 2/60-2020 EE(3) of Smt. Sushma Wife of Late Shri Krishan kumar for providing benefits to kin's of deceased had been sent to the higher authorities i.e to the Chief Secretary office and administrative department (Respondent Department) is advised (by O/o Chief Secretary) that the benefits admissible under Ex-Gratia policy to the family members of the deceased employee may be kept pending until final decision regarding appointment of*

deceased employee is taken. Hence, w.r.t the present claim of appointment, decision will be taken on merits, once a clarification from the O/o Chief Secretary received by the respondent department (Annexure R-1).' Identical objection to payment of benefits under the 2019 Rules was taken in the remaining two petitions as well, as the deceased therein had also been appointed pursuant to the 2009 advertisement.

3. In this factual background, learned counsel for the petitioner contends that the petitioner's claim for financial assistance has not been allowed by the respondents without any rhyme or reason, despite being fully covered under the 2019 Rules. The reason for keeping her case pending till advice is received regarding the deceased's appointment, is illogical and arbitrary. His appointment or selection was never set aside, nor was any criminal case ever registered against him. The denial of due benefits is clearly arbitrary and has harassed and humiliated the petitioner, apart from causing her financial loss.

4. Learned State counsel could not dispute any of the facts aforementioned, and has only made a reference to the written statement filed on behalf of the respondents to contend that as the petitioner's case had been sent to the Chief Secretary's office and the respondent Department was advised to keep the admissible benefit(s) on hold until final decision regarding appointment of the deceased is taken, the benefit could not be released. Learned counsel further contended that the petitioner's husband had been appointed as JBT Teacher pursuant to advertisement issued in 2009, and the selection of such teachers was disputed on the ground that they had passed Haryana Teacher Eligibility Test (HTET) examination by fraud. As per directions of this Court, criminal cases were got registered against those JBT Teachers whose thumb

impression/signatures were not found correct. He, however, could not dispute that the deceased's appointment was never declared illegal, nor had any other action in the matter of selection ever been taken against him.

5. Arguments advanced by learned counsel for the parties have been considered.

6. The 2019 Rules were notified on 02.08.2019 with the object of granting compassionate financial assistance or appointment to the family of a government employee who dies or disappears while in service. Under Rule 4 (1), a 'family member' shall be eligible for compassionate appointment on the condition that the deceased employee had completed five years of regular service and had not attained the age of fifty-two years up to the date of death. Under Rule 5(1)(f), 'family' for the purpose of financial assistance includes widow. Under Rule 6, if a government employee dies on attaining the age of thirty-five years but before forty-eight years, his/her family becomes entitled to financial assistance for a period of twelve years or up to the age of superannuation, whichever is earlier. Besides, under Rule 16, the family member also becomes entitled to *ex-gratia* grant of ₹1,00,000, in addition to monthly financial assistance or appointment. These relevant provisions of the 2019 Rules read as under:

> **4.** (1) The family member shall be eligible for consideration of compassionate appointment under these rules subject to the condition that the deceased or missing Government employee should,-
>
> (i) have completed five years service on regular basis;
>
> (ii) have not attained the age of fifty-two years or more upto the date of death or missing; and

(iii) not be suspected to have committed fraud or joined any terrorist organisation or gone abroad.

Explanation.— *Five years service includes the period of all kinds of leave sanctioned by the competent authority and availed by the deceased or missing Government employee while working on regular basis.*

5. (1) In these rules, unless the context otherwise requires,-

(a) to (e) xxx xxx xxx

(f) "family for the purpose of compassionate financial assistance" means –

(i) (a) widow (widows wherever permissible under personal law) or widower, upto the date of re-marriage or death, whichever is earlier;

(b) and (c) xxx xxx xxx

6. The compassionate financial assistance shall be admissible to such eligible family member from the next day of the death of the Government employee for the following period or upto the date of superannuation of such Government employee, whichever is earlier. In case of death –

1.	xxx	xxx
2.	On attaining the age of thirty-five years but before forty-eight years	For a period of twelve years or upto the date of attaining the age of superannuation or sixty years, whichever is earlier, subject to eligibility.
3.	xxx	xxx

16. In addition to monthly compassionate financial assistance or appointment, a lump sum exgratia grant of Rs. 1,00,000/- (Rupees One lakh only) or as specified from time to time shall be provided to the eligible family member(s) to meet the immediate needs on the loss of the bread earner within the fifteen days from the date of death. The concerned Head of Department shall be the competent authority for sanction of this grant under the relevant head as mentioned in Schedule to these rules. **"2235 Social Security and Welfare -60 Other Social Security and Welfare**

programmes-200 Other Programmes-(X) Ex-gratia grant to the heir of Government employees-79-Ex-gratia.

7. There is no dispute that the petitioner, being a widow, is a family member of the deceased under the 2019 Rules, and that her husband remained in service from 05.01.2011 to 02.02.2020, for about nine years. Also, that at the time of death he was about thirty-eight years of age. Accordingly, in terms of Rule 6 of the Rules, the petitioner becomes entitled to compassionate assistance for a period of twelve years, as also *ex-gratia* grant of ₹1 lakh under Rule 16. The admissible benefits have been denied to her by the respondents only due to an advice by the Chief Secretary not to release the same until final decision regarding the deceased's appointment is taken. As contended by learned State counsel, appointment of JBT Teachers pursuant to advertisement issued in 2009 had been disputed on the ground that some of the selected candidates had cleared HTET examination by fraud. Irrespective of the allegation, the petitioner's husband was appointed as JBT Teacher and served the Department for about nine years, as mentioned hereinbefore. No action of any kind was taken against him during the tenure; nor were criminal proceedings of any kind initiated against him in this regard. Despite these facts being in the knowledge of the respondents, the due amount of compassionate assistance and *ex-gratia* grant was not released to the petitioner. It has been kept pending without offering any plausible explanation, which shows their apathy and insensitivity to the plight of a person who is entitled to the claimed benefits under the 2019 Rules. The mandate under the Rules to consider and pay the assistance as well as the grant has been violated with impunity, forcing the petitioner to live in difficult financial condition and file the instant petition.

8. In view of the discussions, the petitions are allowed, and the respondents are directed to release the due financial assistance as well as *ex-gratia* grant to the petitioners under the 2019 Rules, with interest at the rate of nine per cent per annum from the date the amount became due till the date of actual payment. The petitioners shall also be entitled to costs of the petitions which are quantified as ₹75,000 per petition, to be paid by the respondents. The directions shall be carried out within a period of four weeks of receiving a certified copy of the judgment.

9. A photocopy of this order be placed on connected files.

(TRIBHUVAN DAHIYA)
JUDGE

06.08.2025
Payal

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No