



RSA-3865-2019 (O&M)

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

RSA-3865-2019 (O&M)

Reserved on : 15.09.2025

Pronounced on : 11.11.2025

Rajender Parshad Arora

.....Appellant

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Sandeep Kumar Yadav, Advocate,
for the appellant.

Mr. Ram Karan Sharma, DAG, Haryana,
for the respondents.

SUDEEPTI SHARMA J. (ORAL)

1. The present Regular Second Appeal is preferred against the judgment and decree dated 18.04.2019 passed by learned Additional District Judge, Sirsa, whereby, the appeal filed by the respondents against the judgment and decree dated 18.12.2014 passed by learned Civil Judge (Junior Division), Sirsa, was allowed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that the wife of the appellant namely Smt. Pushpa Devi Kakkar died on 08.02.2002 leaving behind her two daughters namely Monika and Ritika and a minor son namely Mayank. Late Pushpa Devi Kakkar joined the services of Health



Department as Staff Nurse on 09.06.1977 on ad-hoc basis in the pay scale of Rs.140-5-200/10-250. She was later on regularized vide letter dated 03.03.1978 and joined as such at General Hospital, Jind. Her pay scale was later on revised to 480-760 w.e.f. 01.06.1979 and the pay was fixed at Rs.510/-. Thereafter, she was transferred to General Hospital, Sirsa and her pay was further revised to 1400-2600 w.e.f 01.01.1986 with next date of increment as 01.01.1987. The pay scale was further revised to 5000-7850 and pay was fixed at Rs.6,050/- on 01.01.1996. However, she was not given her 2nd ACP scale even after completion of 20 years of regular satisfactory service on 17.03.1998. After the death of Smt. Pushpa Devi Kakkar on 08.02.2022, while in service, appellant moved an application dated 17.04.2002 to the Health Department for grant of compassionate assistance, including job and financial assistance, to dependents of deceased Pushpa Devi Kakkar. But the department did not file any reply nor offer any appointment to any of the dependents though they were eligible for the same. Appellant moved another application dated 11.02.2005 for providing financial assistance to them in accordance with the policy and rules of Government but no action was taken on the said application. Despite various other applications to the department in this regard, no financial assistance was given to the appellant under the Rules, although arrears of increment were allowed to be drawn on 13.05.2008, which were due to be paid to Smt. Pushpa Devi Kakkar on 01.01.2002. Revised Pension Pay



Order was issued on 24.07.2008 but Smt. Pushpa Devi Kakkar was never given her 2nd ACP, which was due to be paid on 17.03.1998. After exhausting all the available remedies, appellant filed civil suit for the same relief. The civil suit filed by him was decreed in his favour by the learned Civil Judge (Junior Division), Sirsa, vide its judgment and decree dated 18.12.2014. Respondent-State filed appeal against the said judgment and decree dated 18.12.2014, which was allowed by the learned Additional District Judge, Sirsa, vide its judgment and decree dated 18.04.2019. Hence, the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellant contends that learned Additional District Judge, Sirsa, vide its judgment and decree dated 18.04.2019 has wrongly reversed a well reasoned judgment and decree dated 18.12.2014 passed by learned Civil Judge (Junior Division), Sirsa. He, therefore, prays that the present appeal be allowed.

4. Per contra, learned counsel for the respondents submits that the appeal filed by the respondents has rightly been allowed by the learned Additional District Judge, Sirsa, vide its judgment and decree dated 18.04.2019. Therefore, he prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.



6. Before deciding the issue involved in the present regular second appeal, it would be apposite to reproduce the relevant Rules of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006, which reads as under:-

“5. (1) On the death of any Government employee, the family of the employee would continue to receive as financial assistance a sum equal to the pay and other allowances that was last drawn by the deceased employee in the normal course without raising a specific claim,-

- (a) for a period of fifteen years from the date of death of the employee, if the employee at the time of his death had not attained the age of thirty-five years;*
- (b) for a period of twelve years or till the date the employee would have retired from Government service on attaining the age of superannuation, whichever is less, if the employee at the time of his death had attained the age of thirty-five years but had not attained the age of forty-eight years;*
- (c) for a period of seven years or till the date the employee would have retired from Government service on attaining the age of superannuation, whichever is less, if the employee had attained the age of forty-eight years.*



- (2) *The family shall be eligible to receive family pension as per the normal rules only after the period during which he receives the financial assistance as above above is completed.*
- (3) *The family of a deceased Government employee who was in occupation of a Government residence would continue to retain the residence on payment of normal rent/license fee for a period of one year from the date of death of the employee.*
- (4) *Within fifteen days from the date of death of a Government employee, an ex-gratia assistance of twenty five thousand rupees shall be provided to the family of the deceased employee to meet the immediate needs on the loss of the bread earner.*
- (5) *House Rent Allowance shall not be a part of allowance for the purposes of calculation of assistance.*
6. *All pending cases of ex-gratia assistance shall be covered under the new rules. The calculation of the period and payment shall be made to such cases from the date of notification of these rules. However, the families will have the option to opt for the lump sum ex-gratia grant provided in the Rules, 2003 or 2005, as the case may be, in lieu of the monthly financial assistance provided under the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006.*
7. *If any doubt arises relating to the application, interpretation and scope of these rules, it shall be*



referred to the Government in the department of General Administration (In General Services-II Branch) whose decision thereon shall be final.

8. The Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2005, which are in force immediately before the commencement of these rules are hereby repealed:

Provided that families will have the option to opt for the lump sum ex-gratia grant provided in the rules 2003 or 2005, as the case may be, in lieu of the monthly financial assistance provided under these rules:

Provided further that in all pending cases where the family exercises the option to receive the financial assistance under these rules, the calculation of the period and payment shall be made from the date of notification of these rules.” .

7. A perusal of the above referred to Rules shows that the dependents of deceased Government employee have an option to receive lump sum payment or monthly financial assistance as has been provided under the Rules. A combined reading of the Rules shows that in case the family chooses to opt for the lump sum ex-gratia grant, then they shall be granted said lump sum under the Rules 2003 or Rules 2005, as the case may be. As per Rules 2005, the lump sum ex-gratia provided to the family of the deceased employees is Rs.5,00,000/-, whereas under Rules 2003, it is Rs.2,50,000/-.



8. There is no such condition under the Rules that for grant of ex-gratia compassionate financial assistance, income of family of deceased employee should not exceed Rs.6,000/-.

9. The appeal filed by the respondent-State was allowed only on the ground that monthly income of the appellant is more than Rs.6,000/-. Though, it was explained by the appellant that income of Rs.6,000/- of their family includes family pension. Therefore, learned Additional District Judge, Sirsa, without appreciating the facts and the Rules, had wrongly allowed the appeal filed by the respondent-State.

10. In the present case, the claim of the appellant can be divided into two parts. The first part relates to the question regarding the grant of monthly financial assistance and the second part relates to grant of 2nd ACP scale.

11. Now, coming to the question as to whether the appellant would be entitled for grant of any monthly financial assistance. This Court is of the considered opinion that claim of the appellant is covered under Rules 2006 because when Rules 2006 came into force, the claim of the appellant was still pending.

12. A bare perusal of the Rules shows that dependents of deceased government employees can opt either for monthly financial assistance or lump sum ex-gratia payment. In the present case, the appellant has claimed that he be granted monthly financial assistance. Claim of the appellant was



denied by the respondents, vide letter dated 13.06.2005 (Ex.D3/1). However, in the said letter, no reasoning for rejection of the claim of the appellant has been given. A bare perusal of the record shows that the appellant and his daughters had been requesting the respondents time and again by moving the application forms for grant of monthly financial assistance, but the respondents compelled them to file the civil suit, since the claims of the appellant were rejected by the respondents vide order dated 13.06.2005 (Ex.D3/1) without giving any reasoning and without even following the principles of natural justice.

13. After the death of Smt. Pushpa Devi Kakkar, the appellant should have either been granted the job on compassionate ground or should have been granted monthly financial assistance or lump sum ex-gratia payment as per his choice. Unfortunately, the respondents rejected the claim of the appellant without giving any reasoning and by passing a non-speaking order. As per the stand of the respondents that as per Rules 2003, any person having monthly income more than Rs.6,000/- cannot be granted the monthly financial assistance. However, as discussed above, the case of the appellant is governed by the Rules 2006 and not by the Rules 2003 and there is no condition in Rules 2006 regarding that any person having monthly income of more than Rs.6,000/- cannot be granted monthly financial assistance.

14. Now coming to the second part of the claim i.e. grant of 2nd ACP and fixation of pay of the deceased employee according to that grade



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pay. In the present case, when Smt. Pushpa Devi Kakkar died on 08.02.2002, she had already completed 20 years of service. During the service, she was charge-sheeted under Rule 7 of the Haryana Civil Services (Punishment and Appeal) Rules, 1987. The memorandum of allegations and statement of charges were issued to her. However, at the time of her death, the proceedings were still pending against her. No decision had been taken in the departmental inquiry and the departmental inquiry had not come to an end. Rather, the document (Ex.D1) shows that even after her death, the case for grant of 2nd ACP to Smt. Pushpa Devi Kakkar was still pending before the Director General, Health Services, Haryana. Therefore, it has rightly been held by the learned Civil Judge (Junior Division), Sirsa, that since at the time of death of deceased employee, the departmental inquiry had not yet been finalized and no punishment was imposed upon her, therefore, the effect of departmental inquiry cannot be imputed in the service of the deceased employee. The death of the wife of the appellant dissolved the effect of the pending inquiry against her. Since no punishment was imposed on Smt. Pushpa Devi Kakkar at the time of her death, therefore, the grant of 2nd ACP to her husband cannot be denied merely on the ground that a departmental inquiry was pending against her at the time of her death.

15. In view of the above discussion, the present appeal is **allowed**. Judgment and decree dated 18.04.2019 passed by learned Additional District Judge, Sirsa, is hereby set aside. Parties are left to bear their own costs.



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16. Decree sheet be drawn.
17. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

11.11.2025

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No