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

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**CWP-25741-2018 (O&M)
Date of Decision: 21.03.2025.**

KRISHNA KUMARI

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

PRESENT: Mr. Dilbagh Singh, Advocate,
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J (ORAL)

The instant writ petition has been filed for seeking setting aside of the order dated 11.09.2018 (Annexure P-7) whereby the claim of the petitioner for awarding interest on delayed payment of ex-gratia compensation had been declined.

2 Learned counsel for the petitioner contends that late Harke Ram @ Harkesh - husband of the petitioner had unfortunately died on 23.02.1995 at the age of 48 years leaving behind the petitioner-wife, 07 daughters and one male child who

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was then aged 07 years. The petitioner-wife filed an application dated 05.05.1995 with the respondent Department for seeking compassionate appointment for her minor son on attaining majority. Thereafter, when the minor son attained the age of majority, another application was moved by her for seeking compassionate appointment, however, the respondent Department rejected the claim of the petitioner vide its letter dated 18.08.2006 on the ground that as per the instructions dated 08.05.1995 as well as the policy dated 03.08.2006 there was no provision for compassionate appointment. She was however given a draft of Rs.2,50,000/- dated 03.04.2008, even though no such claim for financial assistance was raised by the family of the deceased and their only claim was that compassionate appointment be given to a dependent family member. When the efforts of the petitioner for compassionate appointment failed to fructify, she approached this Court by filing CWP No.4303 of 2009 which was eventually disposed of by this Court vide order dated 13.12.2016 declining the claim for compassionate appointment to the petitioner on the ground that the son of the petitioner had already been appointed in Delhi Police as a Constable.

3 Aggrieved thereof, the petitioner approached this Court by way of LPA No.188 of 2017. The Letters Patent Bench partly allowed the writ petition of the petitioner vide order dated 18.12.2017 and directed the respondents that since the financial

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benefits admissible to the petitioner fructified in the year 2008, as per the applicable rules in force then, she was entitled to the benefit of compassionate financial assistance to the tune of Rs.5,00,000/- instead of Rs.2,50,000/- that had been released by the respondents.

4 The petitioner was however still aggrieved since no interest on delayed release of the financial assistance had been awarded by the Division Bench. Accordingly, the review application RA-LP-2 of 2018 was filed in LPA No.188 of 2017, which was disposed of by this Court vide order dated 06.07.2018 by observing as under: -

“We are of the opinion that grant of interest is on account of delay which possibly may be justifiable as well. Consequently, we do not intend to pass any directions regarding grant of interest but direct the respondents to pass a speaking order regarding the claim of the applicant on the interest within a period of two months from the date of receipt of copy of this order. In case interest is denied, the applicant will have remedies in law.”

5 Consequently, the petitioner preferred a representation with the respondent for awarding interest, however, vide speaking order bearing No.594 dated 11.09.2018, the prayer of the petitioner for award of interest has been declined by the respondents. The operative part of the order reads thus: -

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“5 Further, the Rule 6(4) of Haryana Compassionate Assistance to the dependents of the deceased Govt. employees Rules, 2005 says that:-

The dependent of the deceased Government employee can exercise his preference with regard to option as contained in clause(b) of Sub Rule (1) of rule 4 of these rules within a period of 3 months after the expiry of the validity of the list prepared by the department, if no post exist in the department for ex-gratia appointment. Such as family of the deceased Government employee shall be disbursed the amount of financial assistance within a period of ninety (90) days of the exercise of option under clause (b) of Sub-rule (1) of rule 4 or under this sub-rule, as the case may be, failing which, the amount would carry interest @5% p.a.

Since the petitioner did not exercise her option regarding financial assistance of Rs. 5.00 lacs, so as per above rules the petitioner is not entitled for any interest on the financial assistance.

6 Further during this long span of period, the petitioner neither submitted her request to the Department nor pleaded in her writ petitions for obtaining financial assistance of Rs. 5.00 lacs under Haryana Compassionate Assistance Rules, 2005 except for demanding ex-gratia employment which has not accepted as stated above.

Keeping in view the facts and circumstances as narrated above as well as from the perusal of official record, the order dated 18-12-2017 given by the

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Hon'ble High Court in LPA No. 188 of 2017 have been fully complied with. Accordingly, the balance Financial assistance Rs. 2.50 Lacs has already been sanctioned to the petitioner Smt. Krishna Kumari wife of Late Sh. Harke Ram, Junior Engineer resident of village Sanga Tehsil and District Bhiwani on dated 17-05-2018. Hence there is no merit in the claim of the petitioner regarding payment of interest on financial assistance already paid. Accordingly, I hereby decide the claim of the petitioner and legal notice, in compliance with directions given by the Hon'ble High Court vide judgement dated 06-07-2018 passed in RA-LP-2 of 2018 in LPA No. 188 of 2017 in CWP No. 4303 of 2009 titled as Krishna Kumari Vs State of Haryana and others.”

6 Learned State counsel further contends that the admissible benefits had already been released by the respondents and that the delay, if any, was on the part of the petitioner herself in failing to exercise her option regarding financial assistance of Rs.5,00,000/- and hence, the petitioner is not entitled for any interest on the said amount.

7 I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition with their able assistance.

8 Even though the respondents have defended their action that the petitioner had not exercised the option regarding

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financial assistance of Rs.5,00,000/-, however, they do not dispute that notwithstanding exercise of an option, an amount of Rs.2,50,000/- as compassionate financial assistance was released to the petitioner. The policy itself stipulates an award of interest @ 5% per annum in case the same is released belatedly. Further, the Division Bench of this Court in its order dated 06.07.2018 considered the prayer of the petitioner that a claim for award of interest on account of delay may possibly be justified as well.

9 Under the given circumstances, taking into consideration the totality of the facts and the delay in disbursement of the financial assistance, as per the applicable policy, notwithstanding that the respondents themselves had come to a conclusion that the petitioner was not entitled to compassionate appointment, it was incumbent upon them to thereafter initiate the process of release of financial assistance without any further delay. The delayed disbursement on the purported pretext that an option had not been exercised by the petitioner for seeking financial assistance also stands rebutted by the fact that compassionate appointment had already been denied by the respondents and that being so, the alternative course ought to have been adopted by the respondents automatically.

10 The petitioner is accordingly held entitled to interest on the amount of Rs.2,50,000/- @ 5% per annum, as provided in

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the policy from the date when the earlier amount of Rs.2,50,000/- was released to her in the year 2008 i.e. on 03.04.2008 and till its actual realization.

11 The petition stands disposed of accordingly.

March 21, 2025.	(VINOD S. BHARDWAJ)
raj arora	JUDGE
<i>Whether speaking/reasoned</i>	: Yes/No
<i>Whether reportable</i>	: Yes/No