IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

123

FAO-6505-2018 (O&M)
Date of decision : 23.02.2026

Mehma and others **...... Appellants**

versus

Rahul and others **...... Respondents**

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. A.K. Kansal, Advocate and
Ms. Garima Kansal, Advocate
for the appellants.

****

PANKAJ JAIN, J. (Oral)

CM-22715-CII-2018

This is an application for condonation of delay of 120 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed. Delay of 120 days in filing the appeal stands condoned.

Main case

1. The only issue raised in the appeal is with respect to the deduction of the financial assistance granted by State under Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules, 2006.

2. The claimants are in appeal aggrieved of the same. Counsel for the appellants is not in a position to dispute that the issue now stands finally settled by Supreme Court in the case of ***Reliance General Insurance Co. Ltd. vs. Shashi Sharma and others 2016(9) SCC 627*** observing as under:-

"22. xx xx xx The Claims Tribunal has to adjudicate the claim and determine the amount of compensation which appears to it to be just. The amount receivable by the dependants/claimants towards the head of pay and allowances in the form of ex-gratia financial assistance, therefore, cannot be paid for the second time to the claimants. True it is, that the Rules of 2006 would come into play if the Government employee dies in harness even due to natural death. At the same time, the Rules of 2006 do not expressly enable the dependents of the deceased Government employee to claim similar amount from the tortfeasor or Insurance Company because of the accidental death of the deceased Government employee. The harmonious approach for determining a just compensation payable under the Act of 1988, therefore, is to exclude the amount received or receivable by the dependents of the deceased Government employee under the Rules of 2006 towards the head financial assistance equivalent to "pay and other allowances" that was last drawn by the deceased Government employee in the normal course. This is not to say that the amount or payment receivable by the dependents of the deceased Government employee under Rule 5 (1) of the Rules, is the total entitlement under the head of "loss of income". So far as the claim towards loss of future escalation of income and other benefits, if the deceased Government employee had survived the accident can still be pursued by them in their claim under the Act of 1988. For, it is not covered by the Rules of 2006. Similarly, other benefits extended to the dependents of the deceased Government employee in terms of sub-rule (2) to sub-rule (5) of Rule 5 including family pension, Life Insurance, Provident Fund etc., that must remain unaffected and cannot be allowed to be deducted, which, any way would be paid to the dependents of the deceased Government employee, applying the principle expounded in Helen C.Rebello and Patricia Jean Mahajan's cases (supra).

23. A Priori, appellants must succeed only to the extent of amount receivable by the dependents of the deceased Government employee in terms of Rule 5(1) of the Rules 2006, towards financial assistance equivalent to the loss of pay and wages of the deceased employee for the period specified."

3. The issue raised in the appeal being covered against the appellants in terms of aforesaid dictum of law, no ground to interfere in the impugned award is made out.

4. Consequently, the present appeal is dismissed.

(PANKAJ JAIN)
JUDGE

23.02.2026
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No