

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 3814 of 2011

DATE OF DECISION : APRIL 30, 2012

SMT. VEERA DEVI WIDOW OF LATE SH. SURINDER PAL

.....PETITIONER (S)

VERSUS

THE STATE OF HARYANA & ORS.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE K. KANNAN

...

1. Whether reporters of local newspapers may be allowed to see the judgment ?
2. To be referred to the reporters or not ?
3. Whether the judgment should be reported in the digest ?

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Present: Mr. Naveen Daryal, Advocate, for the petitioner(s).  
Mr. Kshitij Sharma, Asstt. Advocate General, Haryana.  
Mr. Mohnish Sharma, Advocate, for respondent Nos. 2 & 3.

K. KANNAN, J. (Oral)

The petitioner challenges the orders passed on 12.5.2008 and 25.3.2010, Annexures P-7 and P-6 respectively, denying to the petitioner the claim for compassionate assistance on the ground that the petitioner was a legal representative of a deceased employee who had not been made permanent.

The petitioner's grievance is that her husband had already been employed with the HSMITC which is a State

Incorporation and after its closure, in terms of the policy of the State which was incorporated by the UHBVN, the petitioner's husband had been given appointment. The appointment order had been issued terming him as a temporary employee in the post of a Meter Reader and during the tenure of his service, he died in harness. The petitioner's claim was made as a legal representative on the basis of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (for short 'the Rules'), adopted by the UHBVN.

In response to the petitioner's claim, the contention of the counsel appearing for the UHBVN is that the petitioner's husband was not a permanent employee and since he was holding a temporary post and his services could have been terminated without any notice under the terms of appointment, the petitioner cannot have the benefit of compassionate assistance.

It is not denied before me that the Rules have been adopted by the UHBVN as well. Reference to 'Government Employees' must, therefore, be taken as a reference to 'the employees' of the UHBVN.

I have gone through the Rules and I do not find that the Rules restrict the applicability only to permanent employees. They merely use the expression of assistance to be given to the family of a deceased/Government employee. The status of such employee has not been spelt out to deny the benefit to the dependent or legal representative of a Government employee

who was in temporary post. In this case, I find that the appointment of the petitioner's husband was in terms of the policy introduced by the State for re-employment/absorption of retrenched employees of a Government Corporation in Government institutions. The initial entry of the petitioner's husband in the UHBVN was in conformity with the relevant policy and the rules and, consequently, the application of compassionate assistance would also be extended to the petitioner.

The impugned orders dated 12.5.2008 and 25.3.2010, Annexures P-7 and P-6 respectively, are quashed and the second respondent is directed to consider the petitioner's claim for compassionate assistance provided under the Rules, as adopted by the UHBVN. The decision shall be taken by the authority within eight weeks from the date of receipt of certified copy of the order.

The writ petition is allowed subject to the above directions.

APRIL 30, 2012  
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( K. KANNAN )  
JUDGE