
(2014) 05 P&H CK 0371
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 10301 of 2014

Kamla Devi

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 26-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0371

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Lalit Rishi and Mr. Amit Rao, Advocate for the Appellant

Final Decision : Allowed

Judgement

Augustine George Masih, J.—Petitioner has approached this Court praying for issuance of a writ of mandamus directing the respondents to grant compassionate appointment or to release the ex-gratia financial assistance as per the Haryana Government Instructions dated 18.11.2005 (Annexure P-6) along with interest.

2. Petitioner had approached the competent authority for the grant of benefit on the death of her husband Ram Pal, who was working on the post of Sweeper-cum-Chowkidar and died while in service leaving behind the petitioner, two minor sons and a minor daughter. Death certificate is appended as Annexure P-1 dated 25.08.2005.

3. When the claim of the petitioner was not being finalised, the petitioner served a legal notice dated 11.03.2014 upon respondent Nos. 2 and 3. Response dated 03.05.2014 (Annexure P-5) to the same has been received from the Head Mistress, Government High School, Gangtan (Beri, District Jhajjar, where it has been mentioned that the case has been referred to the higher authorities for taking appropriate action and to decide regarding entitlement. Counsel contends that no decision thereon, till date, has been conveyed to the petitioner.

4. Counsel contends that the petitioner, at this stage, would be satisfied if a direction is issued to the District Education Officer, Jhajjar and the Director, Department of Haryana School Education-respondent Nos. 2 and 3 to consider and decide the legal notice dated 11.03.2014 served by the petitioner, within some specified time.

5. In view of the statement made by the counsel for the petitioner and without going into the merit of the case or commenting thereon, the present writ petition is disposed of with directions to the District Education Officer, Jhajjar and the Director, Department of Haryana School Education-respondent Nos. 2 and 3 to consider and decide the legal notice dated 11.03.2014 within a period of four months from the date of receipt of certified copy of this order.

6. In case the claim of the petitioner is accepted, the consequential benefits, if any, be released to her, in accordance with law, within a further period of one month.

7. In case the claim of the petitioner is not to be accepted, then a well reasoned and speaking order be passed and conveyed to the petitioner forthwith.