

SUPREME COURT OF INDIA

State of Haryana

Vs.

Kamlesh

C.A.No.2948 of 2010

(Dalveer Bhandari and K.S. Radhakrishnan JJ.)

01.04.2010

ORDER

Delay condoned.

1. Leave granted.

2. Learned counsel for the appellants submit that the impugned order of the High Court is untenable because according to Rule 3(d) it is mentioned that an employee who has served the Government for three years would be entitled to be regularized. Three years service means the regular service which is disputed by learned counsel appearing for the respondents.

3. Learned counsel for the appellants has brought to our notice the Haryana Government General Administration Department Notification dated 10th February, 2004. Rule 6 reads as under:

"(1) In case the dependent of the deceased Government employee is not eligible for appointment on any ground mentioned in clauses (c) and (g) of this rule and rule 16(a), the family member shall be given ex-gratia assistance of Rupees 2.5 lacs."

4. Some of the respondents in these appeals submit that they have already exercised this option.

5. Learned counsel for the appellants submit that all those respondents who are willing to give undertaking to the Department under this Rule would also get ex-gratia assistance of Rupees 2.5 lacs. We direct the concerned Department of the State of Haryana to make the grant of ex- gratia payment of Rupees 2.5 lacs within six weeks from the date of giving of the undertaking to the concerned Department.

6. The appeals are, accordingly, disposed of.

7. The parties to bear their own costs.