

would be entitled to pensionary benefits in terms of the scheme framed by the State Government. No reason has been explained as to why the post occupied by the petitioner, cannot be treated as a sanctioned post either in communication Annexure P-10 or in the written statement.

(10) Therefore, we are of the opinion that once the procedure for appointment as contemplated under the Statute has been followed, it is only an administrative decision to grant sanction to the post occupied by the petitioner, for the purpose of grants-in-aid. Such interpretation alone would be fair and reasonable keeping in view the that the petitioner has worked for more than 14 years against an unsanctioned post.

(11) Consequently, the present writ petition is allowed. The impugned order Annexure P-10 is quashed. The respondents are directed to treat the post occupied by the petitioner as the post against which the grants-in-aid is payable.

R.N.R.

Before Hemant Gupta & Mohinder Pal, JJ.

KULDIP KUMAR,—Petitioner

versus

MANAGING DIRECTOR, UHBVN & OTHERS,—Respondents

C.W.P. No. 6005 of 2007

12th March, 2008.

Constitution of India, 1950—Art.226—Instructions dated 8th May, 1995 issued by State of Haryana—Father of petitioner died in harness at the age of 55 years—Claim for compassionate appointment on basis of 1995 instructions—Rejection of—No right to seek appointment on compassionate ground on the basis of executive instructions alone—Framing of 2003 rules—Petitioner not fulfilling eligibility criteria as defined under Rl. 8 of 2003 Rules—Petitioner not entitled to be appointed on compassionate ground—Rl.2(iii) of 2003 Rules provide that a Government employee who has

attained age of 55 years or more on date of his death is entitled to financial assistance—Respondents failing to consider alternative claim of petitioner for financial assistance—Respondents bound to consider claim of dependant members of deceased employee for ex-gratia compensation—Option was required to be given to petitioner for ex-gratia compensation in terms of 2003 Rules or monthly financial assistance as provided in 2006 Rules.

Held, that on the date of death of the father of the petitioner, it was the executive instructions which were regulating the appointment on compassionate ground. Thereafter, the Rules have been framed in terms of the proviso to Article 309 of the Constitution of India regulating the appointment on compassionate ground. After the Rules were framed, the petitioner cannot rely upon the executive instructions as the appointment on compassionate ground is not a right, but a concession given to the dependent members of the deceased family to tide over the financial crisis, therefore, such Rules would be applicable to all cases which were pending when 2003 Rules were framed. In fact, that is the specific provisions of such Rules as well. Since the appointment on compassionate ground is not a right, but a concession, therefore, such concession has to be governed in terms of the Rules framed by the respondents.

(Para 12)

Further held, that as per Rule 2(iii) of the 2003 Rules, the ex-gratia compassionate financial assistance is required to be paid to a family of the deceased Government employee in case the said Government employee dies in harness at the age of 55 years or thereafter. Admittedly, it was the mother of the petitioner who applied for compassionate appointment for the petitioner. Such application was made somewhere in the month of January, 2002 as respondent No.2 sent the case of the petitioner for appointment on compassionate ground on 24th January, 2002. In the case of a Government employee, who has died after attaining the age of 55 years or more, the only option in terms of Rule 2(iii) and Rule 4(C) is for grant of ex-gratia compassionate financial assistance to the tune of Rs. 2.5 lacs.

(Para 15)

Madan Pal, Advocate for the petitioner.

Narender Hooda, Advocate for the respondents.

JUDGEMENT

HEMANT GUPTA, J

(1) The father of the petitioner was working as Lineman with the Uttar Haryana Bijli Vitran Nigam (hereinafter referred to as the 'Nigam'). He died on 27th December, 2001. The mother of the petitioner applied for appointment of the petitioner on compassionate appointment after the death of her husband, in January, 2002. The petitioner has completed all the formalities in terms of the Policy dated 8th May, 1995, for giving appointment on compassionate grounds, prevailing at that time. However, before any decision could be taken, the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2003 (hereinafter referred to as the '2003 Rules'), were framed in exercise of the power conferred under proviso to Article 309 of the Constitution of India. The said Rules were adopted by the respondent Nigam as well.

(2) It is the case of the petitioner that the father of the petitioner was 55 years, 8 months and 17 days of age at the time of his death. In view of the said fact, the claim of the petitioner for compassionate appointment has been rejected by the Nigam,—*vide* communication dated 24th December, 2003, Annexure P-5. It is the said communication which is subject matter of challenge in the present writ petition. It has been further pointed out that on 10th February, 2004, the Haryana Government amended the aforesaid Rules wherein in case a Government employee dies in harness at the age of 55 years or thereafter, the ex-gratia financial assistance of Rs. 2.5 lacs was contemplated to be provided. It is also pointed out that he was claim of the petitioner has not been considered on the ground that he was more than 25 years of age at the time of death of his father, but such condition is not tenable for the reason that the father of the petitioner has crossed 55 years of age at the time of his death and thus, he is still entitled to compassionate financial assistance of Rs. 2.5 lacs. It is also pointed out that deceased father of the petitioner has left behind his wife; who is illiterate and

three children. Since the petitioner is the elder son, therefore, he is entitled to be appointed on compassionate ground.

(3) In reply, it has been pointed out that the petitioner was born on 5th June, 1968 and, thus, he was about 33 years of age at the time of death of his father, and therefore, the case of the petitioner for compassionate appointment has been rejected on 24th December, 2003 for the reason that the petitioner was beyond the age prescribed as well as the father of the petitioner has died after attaining the age of 55 years. It is also averred in the written statement that all the pending cases, as on the date coming into force the 2003 Rules, are to be decided in terms of the said Rules. Therefore, the petitioner is not entitled to either compassionate financial assistance or appointment on compassionate ground.

(4) Learned counsel for the petitioner has vehemently argued that the claim of the petitioner for appointment on compassionate ground has to be decided on the basis of the Rules as are applicable on the date of death of the deceased employee. Since the father of the petitioner died prior to framing of 2003 Rules, therefore, the claim of the petitioner for compassionate appointment has to be considered and decided in accordance with the Policy, dated 8th May, 1995. Reliance is placed upon the Supreme Court Judgement '**Abhishek Kumar versus State of Haryana and other, (1)**', wherein the date of death was taken as relevant for grant of appointment on compassionate ground. Reliance is also placed upon a Division Bench Judgement of this court "**Neeraj Malik versus State of Haryana and others, (2)**". It is further argued that the rejection of the claim of the petitioner for the reason that he is more than 25 years of age at the time of death of his father, is not sustainable and in terms of Rule 8 of the 2003 Rules, the petitioner is eligible for appointment on compassionate ground.

(5) No doubt, on the date of death of father of the petitioner, the 1995 Instructions were in force, but the petitioner has no right to seek appointment on compassionate-ground on the basis of such Instructions alone. It has been repeatedly held by the Hon'ble Supreme

(1) 2007(3) R.S.J. 121

(2) 2007(1) R.S.J. 235

Court as well as by this Court that the Courts would not be justified in directing the appointment on compassionate ground as a matter of course. It has been held that the Authority concerned has to examine the financial condition of the family of the deceased and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis, that a job is to be offered to the eligible member of the family. The consideration for such employment is not a vested right. The object of offering employment on compassionate ground is only to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner. It was held to the following effect by the Division Bench of this Court in "**Gurdevi versus State of Haryana and others, (3)** :—

"xx xx xx xx

4. The aforesaid observations make it abundantly clear that High Court would not be justified in directing the appointment on compassionate ground as a matter of course. The Supreme Court has clearly laid down in Umesh Nagpal's case that the Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis, that a job is to be offered to the eligible member of the family. It has also been held that the provision for employment even on the lowest post can only be justified in the form of relief against destitution. It must also be framed (noticed ?) that as against the destitute family of the deceased there are millions of other families which are equally, if not more destitute. The consideration for such employment is not a vested right. The object of offering employment on compassionate ground is only to enable the family to get over the financial crises which it faces at time of the death of the sole breadwinner. In view of the clear enunciation of the law by the Supreme Court, it would not be possible to hold that the petitioner has been denied the appointment arbitrarily or unreasonably. The law laid down

by the Supreme Court, in the case of Umesh Nagpal (*supra*) has been reiterated in the case of **Haryana State Electricity Board versus Naresh Tanwar and another**, 1996 (2) SCT 778 (SC) : 1996 (8) SCC 23. It has been reiterated that appointment on compassionate ground is an exception to the general rule of open recruitment, intended to make the immediate financial problem being suffered by the members of the family of the deceased employee. As noticed earlier, the husband of the petitioner had been declared medically unfit. He had been relieved from service in accordance with the Statutory Service Rules. He had been granted all the retiral benefits, presumably under the Rules. Petitioner would not be entitled to any appointment on compassionate ground under the 2003 Rules, which have been framed under Article 309 of the Constitution of India, clearly.

"xx xx xx xx."

(6) In "**Vijay Kumar versus State of Haryana and others, (4)**", the Division Bench of this Court considered the 2003 Rules and the Instructions issued by the State of Haryana from time to time and held that the Instructions including the 1995 Instructions have been repealed and the Rules have been promulgated under the proviso to Article 309 of the Constitution of India and that the object set out in the 2003 Rules is in conformity with the law laid down by the Supreme Court in case "**Umesh Kumar Nagpal versus State of Haryana (5)**". It was held to the following effect :—

"xx xx xx xx

12. A conjoint reading of all the rules makes it abundantly clear that in the case of the dependents of a deceased employee who dies in harness at the age of 55 years or more, no appointment is to be offered on compassionate grounds. The dependents are only entitled to the payment of ex-gratia amount of Rs. 2.5 lacs. A perusal of Rules 2 of the 2003 Rules makes it abundantly clear that the object of the rules

(4) 2005(3) S.C.T. 750

(5) 1994(2) SC.T. 174

is to assist the family of a deceased employees to tide over the emergent situation resulting from the loss of the bread-earner. The object set out in the 2003 rules is in conformity with law laid down by the Supreme Court in the case of Umesh Nagpal (*supra*) in which it has been held as under :—

"The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crises. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee is harness does not entitle his family to such source of livelihood.

It is for these reasons that we have not been in a position to appreciate judgements of some of the High Courts which have justified and even directed compassionate employment either as a matter of course or in posts above Class III and IV. We are also dismayed to find that the decision of this Court in Sushma Gosain and others v. Union of India and others, 1989 (4) SLR-327 has been misinterpreted to the point of distortion. The decision does not justify compassionate employment either as a matter of course or in employment in posts above Class III and IV."

13. The aforesaid observations make it abundantly clear that High Court would not be justified in directing the appointment on compassionate ground as a matter of course. The Supreme Court has clearly laid down in Umesh Kumar Nagpal's case (*supra*) that the Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crises, that a job is to be offered to the eligible member of the family. It has also been held that the provision for employment even on the lower post can only

be justified in the form of relief against destitution. It must also be noticed that as against the destitute family of the deceased, there are millions of other families which are equally, if not more destitute. Consideration for such employment is not a vested right.

xx xx xx xx.”

(7) In “**Bijender Singh versus State of Haryana and others (6)**”, a Division Bench of this Court found that the executive instructions, which are contrary to the Rules, will not prevail over the Rules. It was held to the following effect :—

“xx xx xx xx

8. We are also unable to accept the submission of the petitioner that the claim of the petitioner had to be considered under the instructions dated 2nd December, 1975 and 23rd November, 1992. The 2003 Rules have been framed under the Proviso to Article 309 of the Constitution of India. These would have to prevail over the executive instructions, especially when the instructions are contrary to the provisions of the Rules made. It is a settled proposition of law that the executive instructions can only supplement and not supplant the rules framed under Proviso to Article 309 of the Constitution of India. We draw support for this view from the judgement of the Supreme Court in the case **Sant Ram Sharma versus State of Rajasthan, 1967 SLR 906**, wherein it has been held as under :—

“6.....It is true that Government cannot amend or supersede statutory rules by administrative instructions, but if the rules are silent on any particular point, Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed.”

xx xx xx xx.”

(8) The Hon'ble Supreme Court in **I.G. (Karmik) and others versus Prahlad Mani Tripathi (7)**, has held that the public employment is considered to be a wealth and cannot be given on descent. It was held to the following effect :—

“xx xx xx xx

5. An employee of a State enjoys a status. Recruitment of employees of the State is governed by the rules framed under a statute or the proviso appended to Article 309 of the Constitution of India. In the matter of appointment, the State is obligated to give effect to the constitutional scheme of equality as adumbrated under Articles 14 and 16 of the Constitution of India. All appointments, therefore, must conform to the said constitutional scheme. This Court, however, while laying emphasis on the said proposition carved out an exception in favour of the children or other relatives of the officer who dies or who becomes incapacitated while rendering services in the police department.
6. Public employment is considered to be a wealth. It in terms of the constitutional scheme cannot be given on descent. When such an exception has been carved out by this Court, the same must be strictly complied with. Appointment on compassionate ground is given only for meeting the immediate hardship which is faced by the family by reason of the death of the bread earner. When an appointment is made on compassionate ground, it should be kept confined only to the purpose it seeks to achieve, the idea being not to provide for endless compassion.

xx xx xx xx”.

(9) In “**State Bank of India and another versus Somvir Singh (8)**”, the Hon'ble Supreme Court observed that indiscriminate grant of employment on compassionate ground would shut the door for

(7) 2007(6) S.C.C. 162

(8) (2007)4 S.C.C. 778

employment to the ever-growing population of employed youths. It proceeded to hold that :—

“xx xx xx xx

10. There is no dispute whatsoever that the appellant Bank is required to considered the request for compassionate appointment only in accordance with the scheme framed by it and no discretion as such is left with any of the authorities to make compassionate appointment dehors the scheme. In our considered opinion the claim for compassionate appointment and the right, if any, is traceable only to the scheme, executive instructions, rules, etc. framed by the employer in the matter of providing employment on compassionate grounds. There is no right of whatsoever nature to claim compassionate appointment on any ground other than the one, if any, coferred by the employer by way of scheme or instructions as the case may be

xx xx xx xx.”

(10) In **“State Bank of India versus Jaspal Kaur (9)**, the Hon’ble Supreme Court held that an employer cannot be directed to act contrary to the terms of its policy governing compassionate appointments, nor can compassionate appointment be directed dehors the policy. In **“State of Haryana and another versus Ankur Gupta (10)”**, the appointment on compassionate ground was cancelled as it was found that such appointment is not permissible under the modified policy. It was held that it was necessary for the Authority to frame Rules, Regulations or to issue administrative orders which can stand the test of Articles 14 and 16 of the Constitution of India. The appointment on compassionate ground cannot be claimed as a matter of right. It was found that as per the Government Instructions, only those dependents of the deceased Government employee whose family income is up to Rs. 2,500 per month, can be appointed in Government service. It was found that the relaxation in the stipulations was granted, though there

(9) 2007(9) S.C.C. 571

(10) (2003)7 S.C.C. 704

is no provision whereby relaxation was permissible. In view of the said finding, the order of cancellation of appointment was maintained.

(11) The judgment of the Division Bench of this Court in **Neeraj Malik's case (supra)**, relied upon by learned counsel for the petitioner, has been stayed by the Hon'ble Supreme Court,—*vide* order dated 13th July, 2007 in Special Leave to Appeal (Civil) No. 18972 of 2006. The judgment in "**Abhishek Kumar's case (supra)**" was on its own facts as even though the petitioner was offered appointment by the State, but it was the District Magistrate who refused to provide for the post. It was the facts of the case which led to the order passed. No principle of law has been enunciated on the basis of which it can be said that the Rules, which are in existence at the time of death of the employee, would be applicable.

(12) In the present case, on the date of death of the father of the petitioner, it was the executive instructions which were regulating the appointment on compassionate ground. Thereafter, the Rules have been framed in terms of the proviso to Article 309 of the Constitution of India regulating the appointment on compassionate ground. After the Rules were framed, the petitioner cannot rely upon the executive instructions as the appointment on compassionate ground is not a right, but a concession given to the dependent members of the deceased family to tide over the financial crises, therefore, such Rules would be applicable to all cases which were pending when 2003 Rules were framed. In fact, that is the specific provision of such Rules as well. Since the appointment on compassionate ground is not a right, but a concession, therefore, such concession has to be governed in terms of the Rules framed by the respondents.

(13) Reliance of the petitioner in case "**Raghubir Singh versus Uttar Haryana Bijli Vitran Nigam Limited and another (11)**", is again not tenable. The object of framing of 2003 Rules is to assist the family of the deceased Government employee to tide over the emergent situation resulting from the loss of the bread-earner, by giving two options. The first option is to grant *ex-gratia* appointment on compassionate ground to a member of the family who has completely dependent on the

deceased employee and the second option is to grant *ex-gratia* compassionate financial assistance to the family of the deceased, ~~over~~ and above all other benefits like *ex-gratia* grant due to his family, in case where the family of the deceased does not opt for *ex-gratia* employment. In the aforesaid Rules, the 'dependent' is defined in Rule 3(e) to mean an unmarried daughter and son till she/he attains the age of 25 years. The age of 25 years has since been increased to 30 years by the Haryana Government,—*vide* notification dated 17th December, 2004 while amending Clauses (ii) and (iii) of Rule 3 (e) of the 2003 Rules, wherein the son or the daughter till attaining the age of 30 years are the dependents. Rule 8 of the 2003 Rules, prescribes the criteria for eligibility including the eligibility of a married son. Earlier, such Rules were amended on 10th February, 2004, whereby 3rd option was introduced by adding (iii) to Rule 2 of the 2003 Rules. The amended Rules read as under :—

- “2. Object of the Rules :—The objects of the rules is to assist the family of a deceased employee in tiding over the emergency situation, resulting from the loss of the bread-earner by giving either of the following options :—
- (i) *ex-gratia* appointment on compassionate ground to a member of the family who was completely dependent on the deceased employee and is in extreme financial distress due to the loss of the deceased, namely, the Government employee who dies in 'harness' ;
 - (ii) *ex-gratia* compassionate financial assistant to the family of the deceased, over and above all other benefits like *ex-gratia* grant due to his family to be paid @ 2.5 lacs, in cases where the family of the deceased does not opt for *ex-gratia* employment ;
 - (iii) *ex-gratia* compassionate financial assistance to the family of the deceased Government employees to be paid at the rate of Rs. 2.5 lacs, in case where the Government employee dies in harness at the age of 55 years or thereafter.

3. Definitions.—In these rules, unless the context otherwise requires :—

(a) xx xx xx xx

(b) xx xx xx xx

(c) xx xx xx xx

(d) “deceased Government employee” means a Government employee :—

(i) appointed on regular basis and not working on daily wages, casual, apprentice, work charged, *ad hoc*, contractual or re-employment basis ;

(ii) who has served the Government for atleast 3 years.

(e) “dependent” means :—

(i) spouse of the deceased Government employee or missing Government employee ;

(ii) son (including adopted son) till he attains the age of 30 years subject the proof of adoption as envisaged in the Hindu Adoption and Maintenance Act, 2956 (78 of 1956) ;

(iii) unmarried daughter (including adopted daughter) till she attains the age of 30 years, subject to the proof of adoptions as envisaged in the Hindu Adoption and Maintenance Act, 1956 (78 of 1956).

4. Option : (1) A dependent of the deceased/missing Government employee shall give in writing his/her preference of option within 3 years from the date of death of the Government employee, for one of the following :—

(a) *ex-gratia* appointment on compassionate grounds to a member of the family who has completely dependent on the deceased employee and is in extreme financial distress due to the loss of the deceased, namely, the Government employee who dies in service ;

- (b) *ex-gratia* compassionate financial assistance to the family of the deceased, over and above all other benefits like *ex-gratia* grant due to his/her family, to be paid @ Rs. 2.5 lacs in case of the family of the deceased not opting for *ex-gratia* employment ; or
 - (c) *ex-gratia* compassionate financial assistance to the family of the deceased Government employee to be paid at the rate of Rs. 2.5 lacs in case the Government employee dies in harness at the age of 55 years or thereafter.”
2. Exercise of option shall be permitted only once and shall not be changed, once exercised.

xx xx xx xx

8. Criteria of eligibility :

The criteria for eligibility under these Rules shall be as under :—

- (a) xx xx xx
- (b) xx xx xx
- (c) xx xx xx
- (d) xx xx xx
- (e) Married son of the deceased will be eligible only if no other member of the family is eligible for government service and his spouse is not already in Government service and unmarried eligible dependent is not willing to join service and give an affidavit to this effect ;
- (f) Where dependent of the deceased Government employee does not become eligible for appointment on any ground or within three years of the death of the Government employee, he/she shall not be eligible for the *ex-gratia* compassionate financial assistance also.”

(14) In Raghbir Singh’s case (*supra*), the Court has relied upon Rule 8 of the 2003 Rules to hold that the married son is eligible for

appointment, while directing the respondents to consider the claim of the petitioner for appointment afresh. In the present case that the claim of the petitioner for appointment on compassionate ground has declined on 24th December, 2003 on the ground that the deceased father of the petitioner has attained 55 years of age before his death. In respect of such deceased Government employees, 3rd option has been introduced in the aforesaid Rules with retrospective effect i.e., from the date of framing of 2003 Rules, so as to grant *ex-gratia* compassionate financial assistance to the tune of Rs. 2.5 lacs. Therefore, in terms of Rule 2 (iii) of the 2003 Rules, as introduced on 10th February, 2004, but with effect from 4th March, 2003, a Government employee who has attained the age of 55 years or more on the date of his death, is entitled to financial assistance to the tune of Rs. 2.5 lacs. The criteria for eligibility in Rule 8 to seek appointment on compassionate ground is to be satisfied only if an applicant seeking appointment on compassionate ground is dependent, as defined in Rule 3(e) of the aforesaid Rules. In terms of Rule 6(1) of the Rules, the Head of the Department is to give appointment/ financial assistance to the completely dependent indigent member of the family of the deceased employee. The petitioner is more than 30 years of age at the time of death of his father, therefore, even as per the amended Rules, the petitioner was not dependent on his father in terms of Rule 3(e) read with Rule 6(1) of the Rules. Thus, the eligibility criteria as defined under Rule 8 of the 2003 Rules is not satisfied so as to grant appointment on compassionate ground. In view of the said fact, we do not find any merit in the claim of the petitioner that he is entitled to be appointed on compassionate ground after the death of his father who was more than 55 years and 8 months of age at the time of his death and also for the reasons that the petitioner was 33 years of age on the date of death of his father.

(15) However, the question arises is as to whether the dependents of the deceased Government employee are entitled to *ex-gratia* compassionate financial assistance in terms of Rule 2 (iii) of the 2003 Rules. As per Rules 2(iii) of the 2003 Rules, the *ex-gratia* compassionate financial assistance is required to be paid to a family of the deceased Government employee in case the said Government employee dies in harness at the age of 55 years or thereafter. Admittedly, it was the mother of the petitioner who applied for compassionate appointment for the

petitioner,—*vide* Annexure P-1. Such application was made somewhere in the month of January, 2002 as respondent No. 2 sent the case of the petitioner for appointment on compassionate ground on 24th January, 2002. In the case of a Government employee, who has died after attaining the age of 55 years or more, the only option in terms of Rule 2(iii) and Rule 4(c) is for grant of *ex-gratia* compassionate financial assistance to the tune of Rs. 2.5 lacs.

(16) The respondents have rejected the claim of the petitioner for compassionate appointment on 24th December, 2003, but has not considered the case for the alternative relief of grant of financial assistance. In fact, after the amendment was carried out on 10th February, 2004, but with effect from the date the 2003 Rules were framed, the respondents were bound to consider the claim of the dependent members of the deceased employee for grant of *ex-gratia* compensation. Since such claim has not been considered in terms of the 2003 Rules and in the meantime, the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006 (hereinafter referred to as the 2006 Rules) have been framed on 1st August, 2006, which have been adopted by the respondent Nigam, therefore, in terms of Rule 6 of the 2006 Rules, an option was required to be given to the petitioner to seek lump sum *ex gratia* compensation in terms of 2003 Rules or monthly financial assistance as provided in 2006 Rules.

(17) Therefore, we dispose of the present writ petition with a direction to the respondents to give option to the petitioner to seek lump sum *ex-gratia* compensation in terms of the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2003 or the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2005 or for monthly compensation in terms of 2006 Rules. The option shall be given within a period of one month from today and the necessary benefits be paid to the dependent members of the deceased employee within a period of one month of receipt of the option.

(18) With the aforesaid direction, the present writ petition stands disposed of.

R.N.R.