

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****W.P.(S) No. 3170 of 2010**

Smt. Jayawanti Bai W/o Faguram, R/o Ramnagar, Ward No.5,
Opp. B.N.C. Mill, Rajnandgaon, Distt. Rajnandgaon (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through- The Secretary Department of School Education, D.K.S. Bhawan, Raipur (C.G.)
2. Joint Director, Zonal Joint Director, Treasury, Account and Pension Raipur, Distt. Raipur (C.G.)
3. Distt. Education Officer, Distt. Rajnandgaon (C.G.)
4. Block Education Officer, Donagar Garh, Distt. Rajnandgaon (C.G.)

---- Respondents

For Petitioner	:	Shri Ashok Patil, Advocate
For Respondent/State	:	Shri B. Gopa Kumar, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28/07/2015**

In the instant writ petition the petitioner has sought for relief of grant of family pension on account of the death of her son Ambala Lal Kadwe who was working as Assistant Teacher in the School Education Department and died on 12.06.1992.

2. It is said that in due course of time all the terminal benefits which fell due on account of the death of the deceased employee were paid to the petitioner except for the amount of family pension.

3. Counsel for the petitioner submits that the petitioner is the mother of the deceased employee and in the capacity of being parent, she is entitled for family pension and therefore appropriate direction in the nature of writ may be issued to the respondents for considering the case of the petitioner for grant of family pension.

4. Per contra, State counsel opposing the petition submits that in the instant case, the relevant date for considering the claim of the petitioner was 12.06.1992 i.e. the date on which the deceased employee expired and on the relevant date Chhattisgarh Civil Services (Pension) Rules 1976 did not include parents in the definition of family and therefore the case of the petitioner could not have been considered for grant of family pension.

5. Counsel for the petitioner at this juncture submits that the said rules subsequently were amended in the year 1998 and since then the parents have been brought within the ambit and definition of family as per M.P. Civil Services (Pension) Rules and prays that the case of the petitioner may still be considered for grant of family pension.

6. However, the said subsequent amendment rules may not entitle the petitioner for the reason that the relevant date for considering grant of family pension in the instant case would be the date on which the son of the petitioner died i.e. 12.06.1992. Since on the relevant date the rules itself did not permit parents to be within the definition of family, the petitioner could not have been granted the relief of family pension by the respondents. The very fact that subsequently there has been an amendment in the rules shows that at the relevant time the petitioner was not eligible and therefore no irregularity has been committed by the respondents in refusing grant of family pension to the petitioner.

7. Accordingly, the instant writ petition being devoid of merit deserves to be and is hereby rejected.

**Sd/-
(P. Sam Koshy)
JUDGE**