

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13782 of 2012
Date of Decision:- 28.08.2015.

Lila Dhar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers 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?

Present: Mr. Rakesh Nagpal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

P.B. BAJANTHRI, J.

1.) In the instant petition, petitioner has sought for a direction to the respondents to pay him financial assistance under the Haryana Compassionate Assistance to Dependents of Deceased Government Employees Rules, 2005 and 2006.

2.) Petitioner is father of the deceased Government servant, namely, Rubesh Kumar. While he was working as JBT Teacher in the Education Department, Haryana he died on 24.11.2006 while in service. His legal heirs are his wife and children. Legal heir of Rubesh Kumar i.e. wife Smt. Rekha Rani was granted monthly financial assistance till the year 2009. It was further stalled for the reasons that Smt. Rekha Rani solemnized her second marriage with one Sohan Lal on 7.12.2009. In this background, the petitioner claimed for monthly maintenance under Rule 3

of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 which relates to eligibility to receive financial assistance. Smt. Rekha Rani who was wife of deceased Rubesh Kumar was eligible for monthly financial assistance. Accordingly, it was granted in the year 2006. Thereafter, the same was denied to her due to her second marriage in the year 2009. In such circumstances, the petitioner who is father of the deceased employee is entitled for the monthly maintenance as claimed by him, there is no provision of law to give financial assistance. At this juncture, learned counsel for the petitioner submitted that family pension is to be granted to the dependent parents also. The petitioner is one of the dependent parents and he is entitled for family pension. It is to be noted that Category II (d) (ii) of Rule 3 gives order of preference in grant of family pension i.e. to unmarried/widowed/divorced daughters in Category II and dependent parents. Reading of the said provision makes it crystal clear that family pension could have been granted to the widow. However, she is alive and has remarried, therefore, the other preference namely to dependent parents is not permissible.

3.) Accordingly, the writ petition is dismissed.

(P.B. BAJANTHRI)
JUDGE

August 28, 2015.

sandeep sethi