IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 15393 of 2015

DATE OF DECISION : 30.07.2015

Sat Narain and another

.... PETITIONERS

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. R.K. Malik, Senior Advocate, with
Mr. Tej Pal Singh Dhull, Advocate,
for the petitioners.

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SATISH KUMAR MITTAL, J.

Sat Narain (petitioner No.1) is a retiree from Indian Army. He is getting pension of ₹ 15,232/- per month. His son Mukesh Kumar was serving in Haryana Police as a Constable. Unfortunately, he expired on 04.02.2014 at a very young age. He was un-married. After his death, his parents, namely Sat Narain and Urmila (petitioners herein) applied for grant of Compassionate Financial Assistance under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (hereinafter referred to as `the Rules of 2006'). The prayer made by the petitioners was rejected by the respondents vide letter dated 01.08.2014 (Annexure P-5) on the ground that monthly income of the petitioners was more than the sum of minimum family pension of ₹ 3,500/- and dearness relief thereon, and as per the aforesaid Rules, they are not entitled for the financial assistance as they cannot be said to be dependents on the deceased employee.

The petitioners have challenged the aforesaid decision by filing the instant writ petition. They have also challenged Rule 3 of the Rules of 2006 to the extent that parents are not entitled for monthly financial assistance because their monthly income is more than ₹ 3,500/- and dearness relief thereon.

After hearing learned counsel for the petitioners, we do not find any merit in this petition.

The factual position with regard to the death of the son of the petitioners at a very young age, income of the petitioners as well as non-dependency of the petitioners on the deceased employee are not in dispute. Rule 2 of the Rules of 2006 provides that object of the Rules is to assist the family of a deceased/missing Government employee of Group C and D category, in tiding over the emergent situation, resulting from the loss of the bread-earner while in regular service by giving financial assistance. Rule 3 prescribes that eligibility to receive financial assistance under these rules shall be as per the provision in the pension/family pension scheme, 1964. According to Para 4 (d), sub para (iii) in Appendix 1 of Family Pension Scheme 1964 (CSR Vol.II), in the case of parents, family pension is admissible if they were wholly dependent on the Government employee when he/she was alive, provided the deceased employee had left behind neither a widow nor a child. If the monthly earning of the parents at that time is more than ₹ 2,550/-, then they shall not be entitled for family pension. Secondly, according to Para 14 Category II (d) of Haryana Civil Services (Revised Pension) Part-II Rules 2009, parents of the deceased employee who were wholly dependent on the Government servant when he/she was alive, provided the deceased employee had left behind neither a widow nor a child, are entitled for family pension. Para 14 Category II (d) (iii) of Haryana Civil Services (Revised Pension) Part-II Rules 2009 provides the dependency criteria for the purpose of family pension, according to which dependent's income shall not be more than ₹ 3,500/- per month and dearness relief thereon.

In view of the aforesaid provisions, family pension is not admissible to the parents of a deceased Government employee, if the earning of the parents is more than ₹ 3,500/- per month and dearness relief thereon.

Learned counsel for the petitioners argued that Rule 3 of the Rules of 2006, which provides the eligibility criteria for the parents of the deceased employee, and putting a cap of monthly earning of the parents to the extent that if monthly earning of parents of the deceased employee is more than ₹ 3,500/- per month and dearness relief thereon, then they are not entitled for financial assistance, is arbitrary, unreasonable and violative of

Article 14 of the Constitution of India. It has been argued that as per Rule 5 of the Rules of 2006, on the death of a Government employee, the family of the employee would continue to receive financial assistance of a sum equal to the pay and other allowances that was last drawn by the deceased employee in the normal course, for a period of fifteen years from the date of death of the employee, if the employee at the time of his death had not attained the age of thirty-five years. If that is so, then family of the deceased employee would have received the financial assistance of a sum equal to the pay and other allowances that was drawn by the deceased employee, which in the present case was more than ₹ 19,000/- for a period of fifteen years. Therefore, there is no reason for denying the said benefit to the parents of the deceased employee.

The aforesaid contention cannot be accepted. The said provision has been made for widow and minor children of the deceased employee, who are dependents on the deceased employee, but not for the parents of the deceased employee who were not dependents on the deceased, when he was alive. The title of the Rules itself suggests that provision for financial assistance has been made applicable only for the dependents of the deceased Government employees and not for the parents of the deceased employees who are not dependent on the deceased employees and are having their own income of more than ₹ 3,500/- per month and dearness relief thereon. Therefore, we do not find that the provision of Rule 3 of the Rules of 2006 is illegal and arbitrary, and require any interference by this court. In our opinion, claim of the petitioners for financial assistance who are having the monthly income of more than ₹ 3,500/- and dearness relief thereon has rightly been declined by the respondents, as both the petitioners were not dependents on the deceased employee, when he was alive.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

July 30, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE