

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.15608-CAT of 2015 (O&M)

Date of Decision: 31.07.2015

Union of India and others

...Appellants

Versus

Smt. Rattan Kaur and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: - Mr. Anil Kumar Gahlawat, Advocate
for the petitioner.

HARINDER SINGH SIDHU, J.

This writ petition has been filed challenging the order dated 25.04.2014 (Annexure P-4) passed by the Central Administrative Tribunal (for short 'the Tribunal), whereby O.A. No.557-HR of 2013 filed by respondent No.1 challenging the denial to her of family pension and other retiral dues has been allowed.

The husband of respondent No.1 was appointed as a part time Chowkidar at Sub Post Office Mahendergarh on 01.10.1985 and worked as such till 15.11.1986, when he fell ill. After his recovery, he resumed duties w.e.f. 01.11.1987 and held the post till 17.04.2009, when he died while in office on account

of his murder.

The claim of respondent No.1 for family pension and other retiral dues by treating her husband as a full time employee was declined on the ground that her husband had been engaged as part time Chowkidar against the contingent paid post and no such benefits were permissible as per department rules.

Aggrieved, respondent No.1 filed the Original Application claiming family pension and other retiral dues.

The Tribunal held that an employee whose daily duty hours are from 5.00 pm to 9.00 am could not be termed as a part time Chowkidar. It relied on as many as eight orders passed in similar cases by the Tribunal as also an order of High Court of Andhra Pradesh on identical question and held that the husband of respondent No.1 had to be treated as full time casual worker who deserved to be considered for grant of temporary status as per the Scheme of 1991. It was directed that consequential benefits, if any, were to follow.

Learned counsel for the petitioner has not been able to point out as to how the view taken in the aforesaid decisions is illegal. Nor has he been able to show that the decisions have been reversed by any High Court or the Hon'ble Supreme Court. To the contrary, some of the decisions have been affirmed by the High Courts.

In view of the above, we find no illegality in the order

passed by the Tribunal and the writ petition is, accordingly,
dismissed.

(SATISH KUMAR MITTAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

July 31, 2015

Atul