

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 580 of 2014 (O&M)

Date of decision : 24.8.2015

Puran Lal and another

...

.....Petitioners

vs.

State of Haryana and others

.....Respondents

Coram: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Kuldeep Sheoran, Advocate for the petitioners.

Mr. Sourabh Mohunta, Deputy Advocate General,
Haryana

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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?*

P.B. Bajanthri, J.

The petitioners are father and mother of deceased Jai Pal Singh. Deceased Jai Pal Singh died on 28.3.2010 while working as a teacher in Government High School, Amarpur (Palwal), leaving behind his sons Zile Singh, Sunder and Ashok Kumar, whereas his wife had already died on 5.11.2008. In this background, since Zile Singh and Sunder were major as on the date of death of Jai Pal Singh, Master Ashok Kumar, who was the minor son, was granted monetary benefit due to the death of his father.

(2) On 10.3.2011, Master Ashok Kumar died. Thereafter,

petitioners, who were dependent on deceased Jai Pal Singh, approached certain authorities seeking for monetary maintenance stating that they were wholly dependent on the deceased government servant i.e. Jai Pal Singh. Their grievance was considered and Monthly Financial Assistance was sanctioned, vide order dated 14.3.2013 (Annexure P-6). Thereafter, on 30.9.2013, it was clarified that the petitioners do not fall under the definition of family pension, so as to grant pension or any other benefits. Aggrieved by the decision of the Accountant General office, this writ petition is filed.

(3) Learned counsel for the petitioner stated that during pendency of the petition, the 2nd petitioner, wife of 1st petitioner died on 19.1.2015. The legal heirs of deceased Jai Pal Singh are his three sons and parents including the petitioner. Deceased Jai Pal Singh's wife passed away while he was in service. Zile Singh and Sunder are major sons and Ashok Kumar was a minor son and he died on 10.3.2011. Since the petitioner is the only dependent on deceased government servant Jai Pal Singh, he is entitled to monetary benefits as he was wholly dependent on him. To that extent, an affidavit was also filed.

(4) For the purpose of grant of family pension, it is necessary to reproduce Rule 14 of the Haryana Civil Services (Revised Pension) Part-II Rules, 2009. An extract of Rule 14 is reproduced hereunder:-

“14.(i) For the purposes of grant of family pension, the term 'family' shall be categorized as under:-

Category I:-

(a) Widow or widower, upto re-marriage, or, as the case may be, death if the recipient remains un-married till death;

(b) son/daughter (including widowed daughter), upto the date of his/her marriage/re-marriage or till the date he/she starts earning or till he/she attains an age of 25 years, whichever is the earliest.

Category II:-

(c) unmarried/ widowed/ divorced daughter, not covered under Category 1 above, till the date of marriage/re-marriage or till the date she starts earning or till the date of death, whichever is earliest;

(d) parents 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.”

(5) The petitioner's counsel submitted that Category II (d) is applicable to the case in hand. He submitted that monetary benefits i.e. family pension would be granted to parents who were wholly dependent on the government servant provided the deceased employee had left behind neither a widow nor a child. In the present case, wife of the deceased government servant died on 5.11.2008, minor child died on 10.3.2011 and mother died on 19.1.2015 (2nd

petitioner). The other two sons are major as on the date of Jai Pal Singh's death. Therefore, family pension is to be extended to the dependent parents i.e. the petitioner.

(6) Per contra, the respondents' counsel submitted that family pension would be granted to the family members of the deceased government servant namely, wife and children and not to others. Parents would not fall under the definition of family. Therefore, there is no infirmity in rejecting the claim of the petitioners.

(7) The petition is abated in so far as 2nd petitioner is concerned. Having regard to the facts of the case, it is evident that Rule 14 (i) – Category II (d) provides for grant of family pension to parents who were wholly dependent on the government servant, provided the deceased employee had left behind neither a widow nor a child. The petitioner's case falls within the aforesaid clause.

(8) “Family” connotes a group of people related by blood or marriage. According to shorter Oxford English Dictionary, 3rd Edition, the word “family” means :-

“group consisting of parents and their children, whether living together or not; in wider sense, all those, who are nearly connected by blood or affinity; a person's children regarded collectively, those descended or claiming descent from a common ancestor; a house, kindred, lineage; a race; a people or group of peoples.”

In view of definition read with rule 14(i) category II (d) the petitioner is entitled to admissible monetary benefits.

(9) This Court in identical circumstances was pleased to interpret similar Rule and held that **those parents who are wholly dependent on the government employee, when he/she was alive, upto the date of death, provided the deceased employee had left behind neither a widow nor a child, is entitled for family pension.**

The said decision was affirmed by the Division Bench of this Court in LPA No. 1079 of 2015 decided on 23.7.2015 in which Punjab Civil Services Rules, Volume II, read with Family Pension Scheme, 1964, has been interpreted and upheld the decision of the learned Single Judge.

(10) In view of the facts and circumstances of the case, read with provisions of law relating to extending monetary benefits to the dependent parents, the petitioner is entitled for admissible monthly monetary benefit.

(11) The impugned order dated 30.9.2013(Annexure P-7), is set aside.

(12) The respondents are directed to reconsider the claim of the petitioner in the light of cited Rule read with judgment passed in LPA No. 1079 of 2015 and to extend the benefit within a period of three months from today, since petitioner is stated to be a senior citizen.

(P.B. Bajanthri)
Judge

chugh August 24th, 2015.