

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

LPA No.1463 of 2013

Date of Decision:-18.08.2015

Dhan Kaur

.....Appellant

Versus

State of Haryana and another

.....Respondents

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

Present:- Mr. J.P. Dhull, Advocate
for the appellant.

Ms. Tanisha Peshawaria, DAG Haryana.

SATISH KUMAR MITTAL, J.(Oral)

This intra-court appeal under clause-X of the Letters Patent has been filed against the order dated 3.7.2013 passed by learned Single Judge, whereby the writ petition filed by the appellant for quashing of the order dated 15.3.2011 to the extent that the grant of family pension be not restricted w.e.f. 21.7.2006, has been dismissed.

The appellant claimed the family pension being dependent of the deceased employee, who unfortunately expired on 6.5.1996.

Learned Single Judge, has dismissed the writ petition while holding that as far as the benefit of family pension to the dependent parents of the deceased employees is concerned, the same was only extended w.e.f. 21.7.2006, which has been paid.

Undisputedly on the date when the employee had expired i.e. on 6.5.1996, there was no scheme or provision of family pension to the dependent parents of the deceased-employee.

Therefore, in our opinion, the learned Single Judge, has rightly rejected the claim of the appellant seeking family pension w.e.f. 7.5.1996 as if that is allowed it will amount to grant of benefit with retrospective effect which has not been granted. Therefore, we do not find any illegality in the order passed by learned Single Judge.

Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

18.08.2015
reema

**(MAHAVIR S. CHAUHAN)
JUDGE**