

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

**CWP No.11193 of 2013 (O&M)
Date of decision : December 16, 2016**

Phullo Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

Mr. Raman B. Garg, Advocate for respondent No.3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

The claim in the present petition is that the husband of the petitioner, namely Madho Ram, earlier joined the Municipal Corporation, Yamunanagar on daily wages services and he expired on 31.05.1993 and his daily wages services should be computed for the purpose of retiral benefits.

The reply of the respondents reveals that deceased Madho Ram worked with the Municipal Corporation, Yamuna Nagar as Road Beldar for the period from 01.04.1980 to 30.03.1993 and that his services were regularized w.e.f. 31.03.1993.

It also comes out that the petitioner earlier filed CWP No.4414 of 2000, claiming the grant of family pension, gratuity and other benefits. The same was disposed of by a Division Bench of this Court holding that the husband of the petitioner deemed to be regularized w.e.f. 31.03.1993.

It further comes out that despite the regularization of services of the husband of the petitioner, the petitioner was denied the family pension. Aggrieved by the said denial, the petitioner filed another CWP No.279 of 2007, which was decided by this Court on 22.02.2012, in view of the Notification of the Government that the Rule 4(i) of the Family Pension Scheme, 1964 has been relaxed and she is being allowed the family pension.

It further comes out from the written statement that the stand has been taken that regular service of the husband of the petitioner was only two months and accordingly the family pension of the petitioner was fixed @ Rs.375/- per month, which is minimum provided by the competent authority under the instructions. Even if 13 years of daily wages service of the husband of the petitioner is to be counted as qualifying service for fixing the family pension, keeping in view of Rule 3.17-A(f)(i) of the Punjab Civil Services Rules, Volume-II, still the family pension of the petitioner would remain the same i.e. at the minimum.

Therefore, it is pressed on behalf of the respondents that re-fixation of the family pension will be futile exercise.

Learned counsel for the petitioner has argued that whatever effect the exercise may have, the respondents are duty bound to compute at least admitted daily wages services for computing the family pension. It hardly matters whether the pension remains the same.

In view of the matter, the present petition is disposed of with a direction to the respondents to compute the daily wages services rendered by the husband of the petitioner from 01.04.1980 to 30.03.1993 for the purpose of grant of pensionary benefits and pass a fresh order, fixing the

fresh family pension of the petitioner, which may or may not remain the same at ₹375/- per month as fixed earlier. The necessary order be passed within three months from the date of receipt of certified copy of this order.

December 16, 2016

(KULDIP SINGH)
JUDGE

sarita

Whether speaking / reasoned Yes

Whether Reportable: No