

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19294-2012 (O&M)
Date of decision: 26.07.2016

Ghoghdi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Rajesh Khandelwal, Advocate for the petitioner
Mr.Naveen Sheoran, DAG Haryana

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Petitioner is mother of Satyawar Singh who was working as a Lecturer of English in the Senior Secondary School, Bhjatl, Tehsil Hansi District Hisar. He died in harness on 1.12.2010 and left behind a widow, namely, Mrs.Poonam. In terms of the policy of the government issued vide notification dated 1.8.2006 (Annexure P6), the widow of the deceased Satyawar Singh was granted monthly ex-gratia assistance by the government in the form of full pay last drawn by the deceased from 1.12.2010 to 30.4.2012. It comes out that after about two years, the widow of the deceased got re-married and thereafter, the government stopped payment of monthly ex-gratia assistance.

Petitioner claims that after the stopping of payment of financial assistance to widow she is entitled to monthly ex-gratia assistance under Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (in short, '2006 Rules') as she is

fully dependent on his deceased son. She claims that she is 66 years old. Despite repeated requests, the government has not extended monthly financial assistance to her.

The State in the reply has opposed the prayer and stated that as per the Family Pension Scheme, 1964 and the notification dated 17.4.2009 for the purpose of grant of family pension and other pensionary benefits the word 'family' is categorised. Widow falls in category I(a) and parents falls in category II(d) and they are entitled to financial assistance if they are dependent upon the government servant provided the deceased employee had not left behind a widow or a child. It is stated that the petitioner is not covered in the said definition. The financial assistance was granted to the widow of the deceased and it continued till his widow re-married. Therefore, now it cannot be extended to her mother.

I have heard learned counsel for the parties and have also carefully gone through the file.

Admittedly, Satyawan Singh son of the petitioner expired on 1.12.2010 when 2006 Rules were in force. The Rules provide for grant of financial assistance to the eligible family member of the deceased, which means that only one family member of the deceased employee is to be granted the financial assistance. The word 'family' itself has not been defined in the said Rules. In pursuance to said policy, the government provided monthly financial assistance to the widow of the deceased to which the petitioner did not raise any objection nor she did make any counter claim at that stage. Therefore, financial assistance to a member of the family was extended by the government. It comes out that two years thereafter, widow of the deceased got re-married and on account of remarriage, the

government, stopped payment of monthly financial assistance. Apparently, Mrs. Poonam widow of the deceased is satisfied with the said order as she has not come to this Court to seek any relief. Now, the mother claims that she should be replaced with the widow of the deceased for payment of financial assistance. The government has relied upon the definition of the term 'family' as given in the Pension Scheme 1964 and the notification dated 17.4.2009. The word 'family' is defined as under:-

14. (i) For the purposes of grant of family pension, the term 'family' shall be categorised 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 the date he/she attains an age of 25 years, whichever is the earliest.

Category II

(c) unmarried/widowed/divorced daughter, not covered under Category I 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;

It goes to show that the petitioner falls in category II(d) and was eligible only if the deceased employee had not left behind any widow or child. In this case, the deceased left behind a widow. 2006 Rules do not provide for replacement of eligible member of the family.

Learned counsel for the petitioner contends that mother is a mother. Therefore, after the widow re-married, she should be extended the

financial assistance. He has also relied upon the order passed by this Court in which inquiry regarding dependency of the petitioner was got conducted. However, even in that inquiry, report is received that the petitioner is getting annual income of Rs.53,400/-. The said report prepared by the revenue officials is on file. It being so, otherwise also the petitioner is not a dependent.

After considering what has been discussed above, I am of the view that as per aforesaid Rules and interpretation of the term family, the petitioner is not entitled to replace her widow daughter-in-law, who has re-married, to claim the monthly financial assistance.

Resultantly, the writ petition stands dismissed.

26.07.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:

Yes/ No

Whether Reportable:

Yes/No