

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

CWP No. 18278 of 2013

Date of Decision: 15.09.2016

SADHU SINGH

... Petitioner

VS.

PUNJAB MANDI BOARD & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Ramesh Chand Sharma, Advocate,
for the petitioner.

Mr. Tarun Vir Singh Lehal, Advocate,
for the respondents.

KULDIP SINGH, J. (Oral)

Brief facts of this case are that Harbans Kaur wife of the petitioner-Sadhu Singh was working in the Marketing Committee, Khanna. She expired in August, 1996, leaving behind her husband petitioner-Sadhu Singh and one daughter. After the death of the wife of the petitioner, family pension was released to the daughter of the petitioner and when the daughter attained the age of 25 years the family pension was stopped. Thereafter, the petitioner approached the respondents for release of family pension to him but same was not done, hence this writ petition.

I have heard learned counsel for both the parties.

The factual position is not disputed. The only dispute is regarding legal position. Admittedly, family pension was admissible in the case of death of Harbans Kaur and the same was granted to her daughter. At that time, the petitioner did not object the same but now the family pension has been stopped as the daughter of the deceased employee-Harbans Kaur has attained the age

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of 25 years. The question would be whether the petitioner is entitled to family pension or not ?

Under Rule 6.17 (3) of the Punjab Civil Service Rules, Volume-II, the family defined as under: -

“6.17 (3)

Family for purposes of this scheme will include the following relatives of the Government employee: -

- (a) wife in the case of a male Government employee and husband in the case of a female Government employee;*
- (b) a judicially separated wife or husband such separation not being granted on the ground of adultery, provided marriage took place before the retirement of the Government employee and the person surviving was not held guilty of committing adultery; and*
- (c) minor sons; and*
- (d) unmarried daughter below the age of 21 years.*

Note 1: - (c) and (d) will include children adopted legally before retirement.

Note 2: - Marriage after retirement will not be recognized for purpose of this Scheme.

Under Rule 6.17 (4), the admissibility of the pension is defined as under : -

The pension will be admissible: -

- (i) (a) in the case of widow or widower upto the date of death or remarriage whichever is earlier.*
- (b) in case of son and unmarried daughter till he or she attains the age of twenty five year or till he or she starts earning his/her livelihood, whichever is earlier.*

Provided that if the son or daughter of a Government employee is suffering from any disorder or disability of mind or is physical crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 25 years, the family pension shall be

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payable to such son or daughter for life subject, to the following condition, namely:- “

The definition of the family clearly shows that wife or husband of the deceased employee are at entry (a) and judicially separated husband or wife are at entry (b) and minor son/daughter are at entry (c) and married daughter below 21 years of age is at entry (d). Therefore, at the time of death of the Harbans Kaur, apparently the husband was entitled to family pension but with his consent, the same was given to his unmarried daughter. Now, the daughter has attained the age of 25 years and under the Rules she is no more entitled to family pension. Therefore, the petitioner-husband of the deceased employee is entitled to family pension from the date the unmarried daughter attained the age of 25 years.

Accordingly, writ petition is allowed to the above noted extent. The respondents are directed to release the family pension to the petitioner from the date the daughter of the deceased employee attained the age of 25 years and when the pension was stopped to her.

September 15, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>