

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

**CWP No.21747 of 2013 (O&M)
Date of decision : October 25, 2016**

Savita Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Pankaj Jain, Advocate for the petitioner.
Mr. Gaurav Goyal, AAG, Haryana.

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 husband of the petitioner is stated to be appointed as Driver on temporary basis on 03.11.2004 with the respondents-department. He worked from 01.12.2004 to 11.09.2008 with the respondents-department, when he died while on duty. The claim of the petitioner is for grant of family pension under the Haryana Compassionate Assistance to the Dependents of deceased Government Employee Rules, 2006 (in short ' 2006 Rules').

It comes out that during the pendency of the present writ petition, the General Manager, Haryana Roadways, Gurgaon, had passed the order endorsed on 06.07.2015 (Annexure R-3), vide which it was decided to grant the ex-gratia assistance under 2006 Rules to the petitioner, taking the service rendered by the late husband of the petitioner w.e.f. 01.12.2004 to 11.09.2008 to be temporary service.

Learned counsel for the petitioner has stated that though the arrears have been paid but the monthly financial assistance under 2006

Rules has not been granted. He has referred to Rules 2006, under which the eligibility criteria for grant of monthly financial assistance has been laid down. Under Rule 3, the eligibility to receive the financial assistance under these Rules shall be as per the provisions in the pension/family pension scheme, 1964. Under Rule 5, the family of the employee would continue to receive as the financial assistance a sum equal to the pay and other allowances that was last drawn by the deceased employee for a period of 15 years in case the deceased employee had not attained the age of 35 years at the time of his death and for a period of 12 years or till date the employee would have relieved from Govt. service on attaining the age of superannuation, which ever is less, in case the deceased had attained the age of 35 years at the time of his death but not attained the age of 48 years.

The case of the petitioner falls in the first category. A perusal of Clause 4(1) (i) of Rules 1964 shows that the family pension is admissible in case of death while in service, if the Government employee had completed the minimum period of one year continuous service without break. Here the service rendered by the deceased employee was little less than four years.

The respondents are directed to release the monthly financial assistance, in terms of Rule 5 of Rules 2006, to the petitioner, within one month from the date of receipt of certified copy of this order.

As such, the present petition is allowed.

(KULDIP SINGH)
JUDGE

October 25, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No