

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

CWP No.3592 of 2012 (O&M)

Date of decision: 09.02.2016

Kamla Devi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. J.K. Goel, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Sanjay Tangri, Advocate,
for respondent No.3.

Mr. Arvind Rajotia, Advocate,
for respondent No.4.

Ritu Bahri, J.

The petitioner is seeking direction to the respondents to release the enhanced amount of family pension in view of revision of pay scale w.e.f. 01.01.2006.

Sh. Jagir Singh, husband of the petitioner, was working as welder at Karnal with respondent Nos.1 and 2 i.e. the Haryana State Minor Irrigation Tubewell Corporation. He died on 17.12.1989. Thereafter, the petitioner was granted family pension of Rs.1820/- per month. State of Haryana revised the Pay Scale, Pension and Family Pension of its employees on the recommendations made by the 6th Pay Commission w.e.f. 01.01.2006.

However, this benefit was not given to the petitioner. She made a representation dated 19.02.2011 (Annexure P-1) to the respondents seeking the benefit of revision of pay. Thereafter, she made another representation dated 09.01.2012 (Annexure P-4), but no action has been taken thereon till date.

Upon notice, written statement on behalf of respondent No.2 has been filed, wherein it has been stated that no family pension scheme was applicable to the employees of the Corporation before its closure on 30.06.2002. Pension/family pension is being granted to the ex-employees of the Corporation by the Regional Provident Fund Commissioner-respondent No.3. The employees of the Corporation were covered under the provisions of Employees Provident Fund Pension Scheme and family pension can be revised/sanctioned by the Regional Provident Fund Commissioner. In the absence of any family pension scheme, the employees of the Corporation were not covered under the Pension Scheme and hence, the benefit of revision of pay scale w.e.f. 01.01.2006 cannot be granted to the petitioner as the same is not applicable to her case.

In a separate written statement filed by Regional Provident Fund Commissioner-respondent No.3, it is stated that the family pension being paid to the petitioner is not to be revised as Government of India has not yet decided to revise the same. The petitioner is not entitled to revision of family pension w.e.f. 01.01.2006 as the recommendations of 6th Central/State Pay Commissions are not applicable to the Employees Pension Scheme, 1995. The family pension has been rightly granted at the rate of Rs.1820/- per month to the petitioner vide Annexure R-1.

Since husband of the petitioner was not covered under the Pension

pension has been rightly granted to the petitioner by the Regional Provident Fund Commissioner as per Annexure R-1. The petitioner cannot seek direction to revise her family pension as per the recommendations of the 6th Central/State Pay Commission. Family pension to the petitioner has been rightly granted being dependent of the deceased employee and member of the Provident Fund and Pension Scheme under the provisions of Employees Pension Scheme, 1995. Necessary amendment of family pension can be made by the Government of India, which has not been done. Hence, no case for enhancement of family pension is made out.

No merits.

Dismissed.

09.02.2016
ajp

(RITU BAHRI)
JUDGE