

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

**CWP No.22230 of 2016(O&M)
Date of decision : October 25, 2016**

Ramesh Kumari

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manish Prabhaker, Advocate for the petitioner.

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)

Petitioner, who retired as Senior Assistant on 31.12.2000 and is now aged about 72 years of age, has filed the present petition for mentioning the names of her grand children, namely, Kashish (grand daughter), aged about 10 years and Kartik (grand son), aged about 7 years through their natural mother as nominee for grant of family pension, in the event of death of the petitioner.

Learned counsel for the petitioner has relied upon the Single Bench judgment of this Court delivered in CWP No.902 of 2009, titled as ***“Ramanpreet Kaur (Minor) and another vs State of Punjab and others”***, 2011 (2) SCT 496 (Annexure P-1).

A perusal of the said judgment shows that in this case, the petitioner had claimed pension on account of death of their grand father, setting out the grounds that they were totally dependents upon their grand father, having lost their father during the life time of their grand father.

The facts of the present case are entirely different. In the present case, the request of the petitioner is that the names of his grand children be mentioned as nominee to receive the family pension, in the event of her death.

Therefore, the authority of *Ramanpreet Kaur's case (supra)* is not attracted in the present case. A perusal of Rule 6.17 of the Punjab Civil Services Rules, Volume-2 shows that in sub Rule 3, the definition of the family has been given, wherein the grand children are not included in the definition of 'family' and there is no provision to order the department to accept the nomination of the grand children of the petitioner as nominee to receive the family pension, in the event of her death. Therefore, the refusal of the department to enter the names of the grand children as nominee to receive the family pension, cannot be called illegal.

Hence, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

October 25, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No