

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

CWP No.553 of 2015 (O&M)

Date of decision : August 08, 2016

Kaushalaya Rani (deceased) through LRs **Petitioners**

Versus

Punjab State Power Corporation and others **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. V.K. Shukla, Advocate for the petitioner.

Mr. B.S. Mittal, Advocate for the respondents.

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 Jagdish Lal after retirement from service from army, joined as Security Guard in the office of respondent- Punjab State Power Corporation Ltd. (in short 'the Corporation'), from where he retired on 31.01.1988. Unfortunately, he died on 26.07.2013. His widow (present petitioner) claims family pension from the respondents, which was declined on the ground that she is already getting family pension from the army.

The stand of the respondents is that since the petitioner was getting pension from the Army, therefore, the dual pension is not permissible.

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

Admittedly, the deceased worked with the Corporation from the year 1971 to 31.01.1988 i.e. nearly for 16 years. Now, the question would arise whether the Corporation can refuse the family pension on the ground that the petitioner is already getting family pension from the army.

Learned counsel for the petitioner relies upon the circular dated 17.01.2013 (Annexure P-2), whereby the Union of India has allowed the family pension from the military as well as civil employment w.e.f. 24.09.2012.

The plea of learned counsel for the respondents is that this circular has not been adopted by the respondents-Corporation and that under the Punjab Civil Services Rules, the dual family pension is not admissible.

I am of the view that the deceased had worked for nearly 16 years in the respondents-Corporation and thereafter, the deceased was getting pension from the army, is no ground to disallow the family pension from the civil employment. The instructions issued by the Government of India in this regard are binding on the other authorities also.

It being so, the present petition is allowed and the respondents are directed to allow family pension to the widow of the deceased employee (now through LR's.) w.e.f. 24.09.2012. Since Kaushalya Devi is now dead and her children, namely Urmila Wd/o Dr. Ramesh Lal (daughter) and Harish Kumar (son) have come on record and it is claimed that Harish Kumar is physically handicapped, having 75% disability, as per certificate dated 12.06.1997 (Annexure P-6). Therefore, the respondents are directed to examine the case of grant of family pension to the handicapped son of the petitioner, in terms of certificate (Annexure P-6) and pass necessary orders within two months from the date of receipt of copy of this order, in accordance with law.

(KULDIP SINGH)
JUDGE

August 08, 2016

sarita

Whether speaking / reasoned

Yes

Whether Reportable:

No