

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

CWP No.6637 of 2016

Date of decision: 07.04.2016

Sunita Devi

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sunil K. Nehra, Advocate,
for the petitioner.

RITU BAHRI, J.

Notice of motion.

On the asking of the Court, Mr. Rajesh Gaur, Addl. A.G.,
Haryana, accepts notice on behalf of the respondent-State.

The petitioner seeks to quash the order dated 21.03.2016
(Annexure P-4) passed by respondent No.2, whereby her claim for grant of
compassionate assistance under the Haryana Compassionate Assistance to
the Dependents of Deceased Government Employees Rules, 2006 (for short
'2006 Rules'), has been declined.

Claim of the petitioner for grant of family pension has been
declined on the ground that the judgment passed by this Court in **Kelo Devi**
Vs. State of Haryana and others, CWP No.5593 of 2011, decided on
07.02.2013 (Annexure P-7), has not been generalized. In this judgment, the
provisions of Family Pension Scheme, 1964 has been considered in detailed,
wherein the necessary condition for getting the family pension is that the
person should have completed a minimum period of one year of continuous

service and he should have been medically examined before entering into service.

In the present case, husband of the petitioner, after being appointed as Conductor, had served the respondent-department for almost two years. Moreover, he was appointed after a regular selection process.

In this case, the only ground for declining the benefit of 2006 Rules is that the judgment passed by this Court in **Kelo Devi's** case (supra) has not been generalized. Moreover, this aspect has already been considered by this Court in the aforesaid judgment and the petitioner fulfills all the conditions of Family Pension Scheme, 1964.

At this stage, this petition is disposed of by giving a direction to the respondents to pass appropriate orders for grant of family pension/compassionate assistance as per judgment passed by this Court in **Kelo Devi's** case (supra) (Annexure P-7) after verifying the contents of this petition. Needful be done within six weeks.

07.04.2016
ajp

(RITU BAHRI)
JUDGE