

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

CWP No.22472 of 2014 (O&M)

Date of decision : May 18, 2017

Smt. Darshani

..... Petitioner

Versus

UHBVNL and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. K.L. Dhingra, Advocate for the petitioner.

Mr. Vinod Sharma, 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)

Jagtar Singh, Late husband of the petitioner was employed as work-charge Cleaner with the then Haryana State Electricity Board and worked there from 14.06.1977 to 06.03.1992. Thereafter, his services were transferred to the office of Sub Divisional Officer, Construction Division of the H.S.E.B., Pehowa (Kurukshetra), where he worked from 07.03.1992 to 13.12.1996. He was also allowed to drive the vehicle vide order dated 19.06.1996 (Annexure P-7). However, Jagtar Singh, husband of the petitioner, died on 13.12.1996 in harness. After being mum for 18 years, his widow has filed the present petition in the year 2014, claiming that the service of her husband should be treated as regularized, in view of the judgment passed by this Court in case of “*Sohan Singh v State of Punjab and others*”, 2010(4) RSJ, 667 (Annexure P-1) and Policy dated 24.03.1987 (Annexure P-2) and she should be allowed family pension.

Respondent Nos.3 to 5 have contested the claim on the ground that it is a stale claim made after 18 years. It was stated that the deceased employee was a work-charge employee and not a permanent employee. Therefore, the family pension is not admissible. It was also stated that the case of the petitioner for pension was sent to the Chief Accounts Officer, HVPNL, Panchkula. However, the same was rejected vide order dated 04.02.1992 (Annexure R-2), which was duly adopted by the Addl. Secretary, HSEB, Panchkula vide letter dated 06.08.1993.

It was further stated that the husband of the petitioner was not regularized. He was working as work-charge Cleaner and died in harness on 13.12.1996 by rendering nine years service as work-charge employee. During his service, he never claimed his regularization. His widow has approached to this Court in the year 2014 i.e. after 18 years of the death of her husband, claiming the regularization of the service of her husband on the basis of the judgment of Hon'ble the Supreme Court delivered in case of ***“Sohan Singh vs State of Punjab and others”***, 2010(4) RSJ, 667 (Annexure P-1) and also claiming family pension.

A perusal of the said judgment shows that the said case relates to family pension regarding regular employee. The Court held that in this case, delay will not stand in the way for grant of family pension.

In the present case, the facts are different. The petitioner, who is widow of deceased-employee seeks claim of regularization of service of her deceased husband. The claim of regularization is made after 18 years of the death of the employee. Therefore, it is stale claim and is liable to be dismissed on the short ground. Moreover, there is nothing on file to show

that the husband of the petitioner fulfills all the conditions requisite for regularization. The petitioner never applied to the Department for regularization of the service of her deceased husband.

In these circumstances, the services of the deceased husband of the petitioner cannot be regularized and consequently, the petitioner cannot be allowed family pension.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

May 18, 2017

sarita

Whether speaking / reasoned Yes

Whether Reportable: No