

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

CWP No.7930 of 2012 (O&M)

Date of Decision : 28th February, 2017

Munni Devi

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.S.Sihota, Senior Advocate
with Mr. B.R.Rana, Advocate
for the petitioner.

Ms. Shruti Jain, Goyal, AAG, Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

This order shall dispose of CWP No.7930 of 2012 as well as Civil Suit RBT No.76 of 02.01.2015 titled as Smt. Pataso Devi versus State of Haryana and others with agreements of the parties.

Petitioner Munni Devi in CWP No.7930 of 2012 was the wife of Dilbagh Singh, who was a JBT teacher and died on 14.10.2006. The petitioner was entitled to and was granted assistance under the Haryana Compassionate Assistance to the Dependents of deceased Government Employees Rules, 2006. However, on 02.08.2009 she was remarried. Thereafter, respondent No.6 and 7-parents of the deceased filed the said civil suit seeking a declaration that with effect from the date of remarriage of petitioner Munni Devi, she could not be granted the assistance and infact respondent No.6-mother of the deceased would be entitled for the same. On

notice having been issued, the official respondent Nos.1 to 5 stopped to make the payment of pay under the Compassionate Assistance Scheme, 2006, leading her to file the present writ petition.

On December, 2006, the following order was passed:-

“Record is available.

Learned counsel for the petitioner wishes to go through the same before making submissions.

List again on 28.02.2017.”

It is not disputed that the evidence in the suit has also been completed. Even the essential fact regarding the second marriage of the petitioner are not disputed. The issue is whether the petitioner is entitled to get the assistance even after her remarriage. Clause 3 of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 is as follows:-

“Eligibility:- The eligibility to receive financial assistance under these rules shall be as per the provision in the pension/family pension scheme, 1964.”

In these circumstances, what has to be determined is whether the petitioner is entitled to be considered in the definition of family of Dilbagh Singh after her remarriage. Reference would have to be made to the Family Pension Scheme 1964 in view of clause 2 supra. Clause 4 (iii)(a) of the Family Pension Scheme 1964 is relevant which reads as under:-

“(iii) The pension is admissible:-

(a) in the case of widow/widower upto the date of death or remarriage, whichever is earlier;”

In view thereof it is clear that the petitioner can no longer claim to be a dependent or the member of the family of Dilbagh Singh after she

Consequently, the writ petition is dismissed while the civil suit is decreed to the extent that respondent No.6 would be entitled to the financial assistance under the 2006 scheme from the date of remarriage of the petitioner. Registry is directed to prepare the decree sheet.

(AJAY TEWARI)
JUDGE

28th February, 2017

mamta

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No