IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3451 of 2013
Date of Decision:-09.02.2017.

Smt. Surinder Tiwari

......Petitioner

Versus

Union Territory, Chandigarh and others

......Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

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Present: Mr. P.S. Khurana, Advocate for the petitioner.

Mr. Kamal K. Sharma, Advocate for respondent No.1.

Mr. S.S. Kharb, Advocate for respondent No.2 to 4.

Mr. I.S. Sidhu, Advocate for respondent No.5.

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<u>P.B. BAJANTHRI, J. (Oral)</u>

1.) In the instant writ petition, petitioner has questioned the communication dated 3.3.2012 (Annexure P-4) and further sought for a direction to release family pension and, payment of *ex gratia* amount of ₹ 1,00,000/- along with interest on account of death of the deceased employee who is daughter of the petitioner.

2.) Petitioner's daughter Rashmi was selected and appointed as a Clerk in the office of the third respondent on 2.1.1998. Unfortunately, Rashmi met with an accident and died on 4.5.2010. Arising out of these facts and circumstances, petitioner being mother of deceased employee is entitled for *ex gratia* amount of ₹ 1,00,000/- and family pension or not is the issue involved in the present petition.

3.) During pendency of the litigation, the first respondent has released a sum of ₹ 1,00,000/- as *ex gratia* payment on 21.8.2013. Insofar as family pension is concerned, even though the respondents have denied that the petitioner is not entitled for family pension as per the Rules, however, learned counsel for the petitioner pointed out from amended Rule 6.17(2) of Chapter 6 of Punjab Civil Services Rules, Volume-II (Anneuxre P-6) dated 16.7.1998 for the purpose of family pension by which parents were included for the purpose of entitlement of family pension. It reads as under:-

> *"(ii) Parents who were wholly dependent on the Government employee when, he/she was alive provided the deceased employee had left behind neither a widow nor a child. The parents whose total income from all sources was Rs.2620/- per mensem or more at the time of death of employee shall not be considered to be dependent."*

4.) Thus, the petitioner claims *ex gratia* amount of ₹ 1,00,000/- and family pension. Now due to payment of *ex gratia* amount of ₹ 1,00,000/- on 21.8.2013 she is seeking for interest for the belated settlement of ₹ 1,00,000/- as *ex gratia* payment. No doubt that the petitioner was entitled for *ex gratia* payment within reasonable period of 3 months from the date of death of the deceased employee i.e. 4.5.2010, however, for the purpose of preparation of papers, reasonable time is required to be granted to the respondents which would be three months. Therefore, the petitioner is entitled for interest for the period from 3.8.2010 to 21.8.2013 @ 9% per annum. The same shall be calculated and disbursed by the first respondent to the petitioner.

5.) The petitioner is not entitled for family pension for the reasons that even though the petitioner was dependent on deceased employee – Rashmi, however, her husband was retired Senior Auditor and his income was more than ₹ 2620/- and the petitioner was dependent on her husband. Therefore, the petitioner case would not fall under amended Rule 6.17 (2) cited supra. Hence, the petitioner is not entitled for family pension.

6.) Accordingly, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

February 09, 2017.
sandeep sethi

Whether speaking/reasoned:- Yes / No

Whether Reportable:- Yes / No.