

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

**CWP-5721-2015
Date of Decision :01.03.2017**

KRISHNA DEVI

.....Petitioner

Versus

STATE OF HARYANA AND ORS.

.....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Satyawan Ahlawat, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana
for the respondents.

KULDIP SINGH, J. (ORAL)

Husband of the petitioner (now deceased) was working as Sub Inspector with Food and Supply Department, Haryana. He retired from service on 31.10.2009. It comes out that during the service, the husband of the petitioner was booked in a case under the Prevention of Corruption Act, 1988. After his retirement, he was convicted and sentenced by learned Special Judge Sirsa on 11.01.2010 under the Sections 7/13 of the Prevention of Corruption Act, 1988 and sentenced to undergo rigorous imprisonment for one year in addition to the fine. Deceased- husband of the petitioner preferred a criminal appeal No.289-SB- of 2010 against the judgment dated 11.01.2010, which was admitted and his sentence was suspended vide order dated 03.02.2010 (Annexure P-1). It comes out that on account of conviction the respondent passed the order dated 15.05.2012 vide which on

account of conviction of the deceased-husband of the petitioner, his entire pension was withdrawn. Unluckily, husband of the petitioner expired on 24.11.2012. After his death the petitioner made a claim for grant of family pension. She had earlier approached this Court by way of CWP No.16600 of 2013, which was disposed of on 01.08.2013(Annexure P-3) with the direction to the respondent to pass a speaking order on the representation of the petitioner. Now the respondents have passed the speaking order Annexure P-4 dated 15.10.2012 vide which the family pension has been declined primarily on the grounds that the husband of the petitioner was convicted under Sections 7/13 of the Prevention of Corruption Act, 1988 and that his full pension was withdrawn by competent authority vide order dated 15.05.2012.

Heard.

It comes out that the said order dated 15.05.2012 has not been challenged in the present petition. The only claim in the present petition is for quashing of the said order dated 15.10.2012 Annexure P-4 and for granting the family pension under Rule 6.17 of Family Pension Rules. The family pension to the family of the deceased-employee as defined in said scheme is admissible only if the retired Government employee was in receipt of compensation, invalid or retiring or superannuation pension. Since the husband of the petitioner was not getting any retiring superannuation pension at the time of his death, therefore, the family of the petitioner does not fall in the eligibility criteria laid down in Rule 6.17 of the Family Pension Rules. Accordingly, there is no illegality and infirmity in the impugned order.

However, it is further observed that if the criminal appeal of the husband of the petitioner results as acquittal of the husband of the

petitioner, the department should re-examine the order dated 15.05.2012 and consequently re-examine the case of the petitioner for family pension.

The present petition stands dismissed.

(KULDIP SINGH)
JUDGE

March 01, 2017

Sunil Devi

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No