

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

LPA No.93 of 2017 (O&M)

Date of Decision : 22.08.2017

Smt. Mehmoodi

....Appellant

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

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

...

MAHESH GROVER, J. (Oral)

The appellant as a writ petitioner had claimed family pension on account of the services rendered by her late husband. The benefit was denied to the appellant on the ground that her husband's services had never been regularised even though he had been employed for some time with the official respondents. On a prior occasion in 1982 the deceased husband of the appellant had filed a writ petition claiming the benefit of regularisation which was disposed of with a direction that the respondents shall consider his case in the light of the policy instructions prevailing at that point of time. Learned counsel for the appellant contends that no consideration was granted and a decision did not fructify despite the above direction and, therefore, it should be presumed that the husband of the appellant would be entitled to the benefit of the policy instructions of 1980 enabling him the benefit of regularisation. If that is so, then the appellant would also be entitled to get the benefit of family pension.

We are not in agreement with the plea raised by the learned counsel for the appellant for two reasons. That the late husband of the appellant did not raise grievance about the regularisation of his services and non-compliance of the directions of this Court. Even otherwise, the reason for not regularising the services of the appellant's husband has been disclosed in these proceedings as his consistent record has been found dismal. Therefore, the plea of regularisation at this point of time cannot be considered. Besides, it is noticed that the official respondents have been extremely fair in their approach by giving appointment to the son of the appellant as a Class-IV employee in the year 1997 and there would be thus no reason to interfere with the findings of the learned Single Judge who has declined interference in the writ proceedings. The appeal is, therefore, held to be without any merit and is dismissed both on the issue of limitation as also on merits.

(MAHESH GROVER)
JUDGE

22.08.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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