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

CWP No. 13332 of 2015

DECIDED ON: JANUARY 09, 2018

MONIKA RANI

.....PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Manish Dadwal, Advocate
for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

JASPAL SINGH, J (ORAL)

Through the instant petition, petitioner has sought a writ in the nature of certiorari, mandamus directing the respondents to release the Ex-gratia grant and death-cum-retiral gratuity to the petitioner in terms of Rule 2.7, 6.16 of Punjab Civil Services Rules Vol-2 as well as notification No. 3/23/09-3FPPC/879, dated 17.08.2009 issued by Government of Punjab, Department of Finance (P-6) and also to grant other benefits to which the petitioner is legally entitled to on the death of her husband and also to pay interest on the delayed payment.

2. Concededly, husband of the petitioner was working as Multi Purpose Health Worker (Male) with respondent No.4 since June 19, 2007 and during his

service he was taken away by the nature on November 20, 2014 leaving behind the petitioner as well as two sons namely Akshit Thakur, aged 9 years and Anshuman Thakur aged 6 years. Since the husband of the petitioner was recruited/appointed after January 01, 2004, as such his services are governed by new policy under New Defined Contributory Pension Scheme. Thus, the Rules in Part-1-Pension in Volume II of these rules called Punjab Civil Service Rules Volume-II are not applicable to the government employees who have been appointed on or after January 01, 2004.

3. Though, the petitioner has claimed ex-gratia, DCRG, which are covered under rules 2.7 and 6.16 of Part 1 Pension in Punjab Civil Services Rules Volume II. Yet, the petitioner is not entitled to these benefits, in view of the fact that the husband of the petitioner joined the services after January 01, 2004 and his services are governed by the new policy under New Defined Contributory Pension Scheme. Otherwise also, petitioner did not lay the challenge to the provisions of the New Defined Contributory Pension Scheme, which otherwise does not suffer from any vicesor, arbitrariness and is being uniformly applied to all its employees, who came within its purview. .

4. In view of afore-said legal and factual position, instant petition is nothing but devoid of merits. As such, the same is dismissed but without costs.

JANUARY 09, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No