

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

CWP No.12620 of 2017 (O&M)
DATE OF DECISION : 11th SEPTEMBER, 2018

Sunita Devi

.... Petitioner

Versus

State of Haryana & others

.... Respondent

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH**

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Present : Mr. Anurag Goyal, Advocate for the petitioner.
Mr. G. S. Wasu, Additional Advocate General, Haryana.

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A. B. CHAUDHARI, J. (Oral)

By the present petition the petitioner has put to challenge Clause 4(iii)(a) of Family Pension Scheme, 1964 by which the Family Pension Scheme was restricted up to date of remarriage.

Heard learned counsel for the rival parties.

The petitioner was married with Ashok Kumar on 12.05.1983, who was working as Head Constable in Haryana Police. On 11.11.1989 i.e. after more than five years of the marriage of the petitioner, Ashok Kumar died leaving the petitioner and a minor daughter having date of birth 03.04.1989. Upon his death family pension was started and the petitioner widow started receiving the same regularly. She was also given compassionate employment on 28.01.1994 in the Department of Health, Haryana as Store Keeper. She continued to receive family pension up to 13.05.2001 besides the compassionate employment she obtained. She thereafter applied for transfer of pension in the name of her minor daughter. Thereafter the petitioner married with

real younger brother of her husband by way of *Karewa* marriage in August, 1995. Her claim is now that her daughter attained the age of 25 years and as per the Family Pension Scheme the pension should be paid to her upto the age of 25 years. That is why she had applied for transfer of her family pension in her name.

From the above facts it is clear that the petitioner secured the employment on compassionate ground and also claimed family pension as aforesaid. It appears that she also received the family pension even after her compassionate appointment on 28.01.1994 till 13.05.2001. The petitioner thus illegally continued to obtain double benefit. We, therefore, find no merit in the present petition, which is out and out abuse of process of the Court.

The respondent No.1-State of Haryana is directed to recover the difference of the amount the petitioner received by way of family pension till 13.05.2001 after she was appointed on compassionate ground on 28.01.1994, as the public money cannot be squandered in the manner done.

In that view of the matter, the petition is dismissed with the above direction to respondent No.1-State of Haryana.

(A. B. CHAUDHARI)
JUDGE

11TH SEPTEMBER, 2018
‘raj’

(KULDIP SINGH)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>