

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

CWP No.12677 of 2017 (O&M)
DATE OF DECISION : 11th SEPTEMBER, 2018

Asha Rani

.... 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 Gurnam Chand on 15.03.1987, who was working as Veterinary Live Stock Development Assistant in the department-respondent No.2. On 19.05.1995 i.e. after more than 8 years of marriage of the petitioner, Gurnam Chand died leaving behind the petitioner and a minor son namely Tanuj, having date of birth 04.08.1991. Upon his death family pension was started and the petitioner-widow started receiving the same regularly. The petitioner however, obtained appointment on compassionate ground on 18.03.1997 as Clerk in the Department of Animal Husbandry. Thereafter, she performed *Karewa* marriage with real younger brother of her deceased husband on 15.02.2000. She continued to receive family pension upto the

date of her remarriage i.e. 15.02.2000. But thereafter she applied for transfer of the family pension in the name of her minor son, which was allowed w.e.f. 16.02.2000. The son having attained the age of 25 years she sought re-transfer of pension in her name, though she has been in Government service w.e.f. 18.03.1997.

From the above facts it is clear that the petitioner has clearly played fraud on the Government. She received the family pension up to 15.02.2000 when she had already got employment on compassionate ground on 18.03.1997. 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 entire amount of pension, which the petitioner received by way of family pension till 18.03.1997 when she was appointed on compassionate ground, 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>