

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18213 OF 2015
DECIDED ON: JANUARY 23, 2018

GINDORI DEVI AND ANOTHERPETITIONERS

VERSUS

STATE OF HARYANA AND OTHERSRESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Jai Bhagwan Tobria, Advocate,
for the petitioners.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

JASPAL SINGH, J (ORAL)

Through, instant petition preferred under Article 226/227 of the Constitution of India, the petitioner has sought issuance of writ in the nature of mandamus directing the official respondents to release/disburse death gratuity, ex-gratia financial assistance and family pension/monthly financial assistance etc. to the petitioners under the Haryana Civil Services Rules and Family Pension Scheme 1964.

2. Undisputably, son of the petitioners namely Inderjit Singh, who was working as JBT Teacher since 10.01.2011 in Government Primary School, Harijan Basti, Chiriya (Bhiwani) left for heavenly abode on 16.11.2012. He was unmarried and issueless at the time of his death. The petitioners are his parents, who have preferred the instant petition. Earlier, petitioners furnished the

information regarding death of their son to Assistant Director Pension-cum-Commissioner for the grant of ex-gratia financial assistance, which has since been granted to them but subsequently, they also put forth their claim with regard to monthly financial assistance under the Rules.

3. Here, it would be pertinent to mention that the petitioners have claimed family pension/monthly financial assistance under the Haryana Civil Services Rules and Family Pension Scheme 1964 (for brevity, Scheme of 1964), which was modified by way of Haryana Government General Administration Department notification dated 01.08.2006, known as Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (for brevity, Rules of 2006).

4. No doubt, it has been submitted by learned counsel for the petitioner during the course of arguments that eligibility to receive financial assistance under Rules of 2006 is as per the provision in the pension as well as family pension scheme 1964 but the other conditions which have been laid down in Rules of 2006 are also to be followed and taken into consideration for the grant of family pension/monthly financial assistance. According to the family pension scheme 1964, parents, who were wholly dependent on the Government servant when the deceased was was alive but with a proviso that deceased employee had left neither a widow nor a child. However, in the case in hand, there is no dispute that petitioners are the parents of the deceased employee.

5. Now, the question which requires determination is whether the parents/petitioners were wholly dependent upon their deceased son, and in view

of the evidence, facts and circumstances particularly financial status of the petitioners, is suggestive of the fact that they are not entitled to the benefit claimed through instant petition. It is an undeniable fact that husband of petitioner No.1 i.e. Zorawar Singh Dahiya, who is petitioner No.2, is drawing pension @ Rs.21,000/- per month. Petitioner No.1 can be said to be wholly dependent on the earnings of her husband i.e. petitioner No.2. Thus, it can be safely concluded that the case of the petitioners is not covered under the Pension Scheme for the grant of financial assistance as per the Rules of 2006.

6. In the light of what has been discussed above, this Court is of the considered view that instant petition is devoid of merits. As such, it stands dismissed but with no order as to costs.

JANUARY 23, 2018
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned *Yes*

Whether reportable *Yes/No*