

CWP No. 3517 of 2018

-1 -

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

Sr. No.127

**CWP No. 3517 of 2018
DECIDED ON: February 15, 2018**

GURDEV KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Vikram Bali, Advocate, for the petitioner.

JASPAL SINGH, J.

Smt. Gurdev Kaur – petitioner has preferred instant petition, under Article 226 of the Constitution of India, seeking issuance of a direction to the respondents to grant her family pension and other remaining admissible benefits with interest, on account of unfortunate death of her son namely Gurdeep Singh, who was working as Beldar in respondent-Department WITH FURTHER prayer for quashing the order dated 23.01.2018 (P-10) passed by the Assistant

Director, Department of Animal Husbandry and Poultry Farming, Jalandhar and Instructions dated 16.07.1998 (P-5) or in the alternative ordered to be relaxed qua petitioner.

2. The contention of learned counsel for the petitioner is that petitioner is only legal heir of her deceased son namely Gurdeep Singh. The pension case was also taken up by the respondents with Chief Auditor, Punjab, Chandigarh vide letter No.PEN-17/CH3/PE/11/14/60057409/1112021140/PE/14/11/80051527 dated 06.05.2014 but it was returned back by observing that since her income is Rs.96,000/- per annum, she was not found fit for pension. Such, a decision rendered by the respondents is not sustainable in the eyes of law. Otherwise also, imposition of restriction with regard to income is unconstitutional, which has been imposed through Instruction dated 16.07.1998 (P-5).

3. This Court has given a deep thought to the aforesaid submissions made by learned counsel for the petitioner, but does not find any legal or factual weight therein.

4. No doubt, petitioner-mother has been treated as legal heir of her deceased son namely Gurdeep Singh and accordingly, amount of GPF, arrears of pay, ex-gratia and leave encashment have already been released to her by the respondents. As far as the grant of family pension is concerned, case of the petitioner is not covered under Rule 4 of Punjab Civil Services Rules Vol. II (for short 'Rules') which deals with grant of family pension. As per Rule 4.3 (ii) parents, who were wholly dependent on the Government employee when, he/she was alive provided the deceased employee had left behind neither a

CWP No. 3517 of 2018

-3 -

widow nor a child, whose total income from all sources was Rs.2620/- per mensem or more at the time of death of employee is not entitled and not be considered to be dependent.

5. In the case in hand, as per income certificate issued by the Executive Engineer, Bhunga, District Hoshiarpur, income of the petitioner has been assessed to the tune of Rs.96,000/- per annum, which is much more than the income prescribed in the above referred Rules. As such, it can be safely concluded that family pension has been rightly declined by the concerned authorities.

6. In the light of what has been discussed above, this Court does not find any merit in the instant petition and as such, it stands dismissed.

7. No order as to costs.

February 15, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No