

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 1130 of 2017 (O&M) in
CWP No. 18659 of 2015
Date of decision: 22.1.2018

Smt. Maya Pati

.. Appellant

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA

Present: Mr. Ramesh Goyat, Advocate for the appellant.

...

Rajesh Bindal J.

The order passed by the learned Single Judge declining the prayer of the appellant for grant of family pension on account of death of her husband has been impugned by filing the present intra-court appeal.

Late husband of the appellant was appointed as Salesman in Haryana State Federation of Consumers Cooperative Wholesale Store Limited (for short, 'the Confed') on 16.3.1981. On 11.1.2002, all retail outlets of the Confed were closed and 322 posts of Salesman were abolished. Accordingly, services of the late husband of the appellant were also dispensed with. All emoluments due to him were paid. On 21.6.2006, the State Government framed a policy to adjust the retrenched employees from other Departments/Corporations. Consequently, late husband of the appellant was appointed as Clerk afresh in Food and Supplies Department,

Haryana on 4.10.2007. He joined his service as such on 11.10.2007, however, he died during service on 15.5.2014.

The claim made was that the appellant should have been granted family pension, however, the relief was declined for the reason that from 1.1.2006 onwards, the Government notified new Defined Contribution Pension Scheme. The plea sought to be raised, which did not find merit with the learned Single Judge, is that earlier service rendered by the deceased husband of the appellant should have been taken into consideration and he should not be treated to have been appointed after 1.1.2006. However, the contention has rightly been rejected. The Confed, where late husband of the appellant was earlier working, had closed all its retail outlets, as a consequence, 322 posts of Salesman were abolished and so the services of the late husband of the appellant were dispensed with. All benefits were paid to him and relationship of master and servant ended. It was nearly four years thereafter that the State Government framed the policy on 21.6.2006 that retrenched employees were decided to be adjusted in different Government Departments. In pursuance thereto, late husband of the appellant was appointed afresh in Food and Supplies Department on 4.10.2007 and he joined his service on 11.10.2007. It is specifically mentioned in the appointment letter that he shall be on probation and shall be placed at the bottom of the seniority list of the cadre, in which cadre he was appointed. It was a fresh appointment with no relation with previous employer. In the appointment letter, it was mentioned that service of the late husband of the appellant shall be governed by new Defined Contribution Pension Scheme, as it was a fresh appointment being made after 1.1.2006. Accepting the terms of the appointment offered, he had joined service.

Considering the aforesaid facts, in our opinion, there is no error in the order passed by the learned Single Judge. Accordingly, the appeal is dismissed.

(Rajesh Bindal)
Judge

(B. S. Walia)
Judge

22.1.2018
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No