

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

LPA-906-2019 (O&M)

Date of decision:- 13.05.2019

Narinder Pal Kaur

...Appellant

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. S.L. Chander Shekhar, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

This intra court appeal under clause X of the Letters Patent is directed against the judgement and order dated 06.03.2019 passed by the learned Single Judge dismissing the writ petition filed by the petitioner (appellant herein) seeking a direction to the respondents to grant all the relief such as ex-gratia, family pension, subsistence allowance on account of killing of her mother on 17.02.1990 by unknown terrorist.

2. Learned Single Judge vide order impugned in this appeal dismissed the claim on two grounds. Firstly, the appellant does not fall in any category of eligibility and secondly the claim was inordinately delayed.

3. Learned counsel for the appellant has placed reliance upon the amended policy issued by the Government of Punjab known as Subsistence Allowance to Widows of Riots/Terrorists Violence (Amendment) Rules, 1990. Clause 2 of the said Policy contains the Eligibility clause, wherein the following have

been held to be entitled:-

“(i) Sikh migrant orphans who have no earning member to help them and have no means of livelihood;

(ii) Sikh migrant destitutes who have no earning member to help them and have no means of livelihood.

(iii) Disabled Sikh migrants whose physical disability rendered them incapable of earning livelihood.

(iv) Sikh migrants/widows who lost their breadwinners during the period from 31.01.1984 to 07.11.1984 (both days inclusive), in the riots following the assassination of the Prime Minister Mrs. Indira Gandhi.

(v) Widows who lost their bread-winner due to extremists/terrorists activities/action of security forces acting in aid of civil power.

(vi) Orphans, destitute and 100% physically disabled persons, rendered as such, due to terrorists/extremists activities/action by security forces serving in aid of civil power.

(vii) The dependent parent(s) of innocent civilians killed in terrorists violence/by security forces acting in aid of civil power.

(viii) Dependent parent(s) of the innocent civilians killed if he was unmarried, provided the son was the sole breadwinner for his parent(s).

Provided that the subsistence allowance will stop as and when the beneficiary gets employed or an able bodied person becomes an earning member of the family.”

4. Admittedly, the appellant is a married woman, 65 years of age and, thus, is not at all dependant. The death of her mother as alleged took place in 1990. A claim being made

under the Policy dated 10.05.1990 by her is neither tenable nor

she can be said to be entitled in any manner for the same and, thus, we find no flaw in the judgement of the learned Single Judge dismissing the claim. It is also to be taken note that a similar effort was taken by the father of the appellant after fifteen years of the death of his wife which also failed.

5. In view of the above facts and discussion, we do not find any infirmity in the judgement of the learned Single Judge, which may require our interference.
6. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.05.2019
Amodh

whether speaking/reasoned	Yes/No
whether reportable	Yes/No