

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11520 of 2015
Date of Decision : 15.01.2019

Babita

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. R.S. Sangwan, Advocate for the petitioner.

Mr. Sandeep Moudgil, Advocate for respondent No. 3.

Harsimran Singh Sethi, J.(Oral)

The present writ petition has been filed with a prayer that the petitioner be provided with job, financial assistance and the family pension as well as other benefits after the death of her father, Ramesh, who was working as a Sweeper with Municipal Committee, Charkhi Dadri.

As per the averments made in the writ petition, father of the petitioner was appointed as a Sweeper with respondent No. 3, Municipal Committee, Charkhi Dadri. He kept on working till he unfortunately passed away on 17.12.2010 leaving behind his two daughters. Petitioner is one of the married daughter of deceased Ramesh, who is praying for the grant of job on compassionate ground is also praying for grant of family pension and the financial assistance.

Notice of motion was issued on 29.06.2015. Respondent No. 3 has filed the reply objecting to the grant of the said benefit(s) to the petitioner. In the reply, it has been stated that the petitioner is the married daughter of deceased Ramesh, who is living separately and the son of the

petitioner, namely, Kapil is also working as a Sweeper with respondent No. 3 only. It has further been stated that the petitioner is not eligible for the family pension or the financial assistance as well as the compassionate appointment in view of the Government Instructions dated 01.08.2006. The Instructions dated 01.08.2006 have been attached alongwith the reply as Annexure R-3/1.

In the reply, the respondents have submitted that the financial assistance can only be given to a person, who is eligible for the family pension under 1964 Scheme. Under 1964 Scheme, only the unmarried daughters are entitled. It is admitted that the petitioner is the married daughter, whose son is also working with respondent No. 3-Municipal Committee. Further, the petitioner is living in her own house and cannot be treated as a dependent upon the deceased Ramesh and, therefore, the petitioner is not entitled for consideration for the grant of compassionate appointment. Further, under 1964 Scheme, the petitioner is also not entitled for the family pension.

Learned counsel for the petitioner is unable to dispute the above averments in respect of the entitlement of the petitioner which has been denied/objected by the respondent No. 3.

That being so, the petitioner is held not entitled for any relief as being claimed by her in the present writ petition.

The writ petition stands dismissed with no order as to cost.

January 15, 2019
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*