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

LPA No.1865 of 2016
Decided on : 26.03.2019

Ghoghdi ...... Appellant

Versus

State of Haryana and ors. ...... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Vikas Saroha, Advocate for
Mr. Rajesh Khandelwal, Advocate
for the appellant.

Mr. Randhir Singh, Addl. AG, Haryana.

****

Manjari Nehru Kaul, J.

This intra court appeal has been filed under Clause X of Letters Patent assailing the order dated 26.07.2016 passed by learned Single Judge in CWP No.19294 of 2012.

2. The son of the petitioner namely Satyawan Singh was working as a lecturer in Senior Secondary School, Bhjatla, Tehsil Hansi, District Hisar and died in harness on 01.12.2010 leaving behind his widow. The widow of late Satyawan Singh was granted monthly ex gratia assistance by the State Government in the form of full pay, which was last drawn by the deceased between 01.12.2010 to 30.04.2012. However, the government stopped the aforementioned ex gratia assistance, which was being paid to the widow, after two years, on her remarriage. Thereafter, the appellant claimed monthly ex gratia assistance under Haryana Compassionate

Assistance to the Dependents of Deceased Government Employees Rules, 2006 (in short '2006 Rules') on the ground of having been fully dependent on her late son. Since the Government did not accede to the appellant's request for grant of monthly ex gratia financial assistance, she approached this Court by filing CWP No.19294 of 2012 claiming monthly financial assistance on account of death of her son. Learned Single Judge dismissed the writ petition by observing that the case of the appellant fell in category II(D) of the Family Pension Scheme, 1964 (for brevity 'Scheme 1964') and the Notification dated 17.04.2009 wherein it had been explicitly provided for, that the appellant could have been eligible for being considered for monthly ex gratia assistance only if the deceased had not left behind any widow or child. Feeling aggrieved, the present appeal has been filed.

3. Learned counsel for the appellant has urged that not only was the appellant dependent on her deceased son but in view of the fact that her widowed daughter-in-law i.e. wife of late Satyawan Singh had remarried, she had thus become entitled to payment of monthly ex gratia financial assistance.

4. Per contra, learned counsel for the State while opposing the prayer of the appellant submitted that the appellant could not be granted monthly ex gratia financial assistance as she did not fall within the eligibility criteria as provided for, in the Scheme, 1964 and the Notification dated 17.04.2009.

5. We have given our anxious consideration to the submissions made by learned counsel for the parties and also gone through the impugned judgment passed by learned Single Judge.

6. The word 'family' has been defined in Scheme, 1964 and the Notification dated 17.04.2009 for the purposes of grant of family pension, which is reproduced as follows:

> *14. (i) For the purposes of grant of family pension, the term 'family' shall be categorised as under :—*
>
> ***Category I***
>
> *(a) widow or widower, upto re-marriage, or, as the case may be, death if the recipient remains un-married till death;*
>
> *(b) son/daughter (including widowed daughter), upto the date of his/her marriage/re-marriage or till the date he/she starts earning or till the date he/she attains an age of 25 years, whichever is the earliest.*
>
> ***Category II***
>
> *(c) umnarried/widowed/divorced daughter, not covered under Category I above, till the date of marriage/ re-marriage or till the date she starts earning or till the date of death, whichever is earliest;*
>
> *(d) parents who were wholly dependent on the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child;*

7. Clause 3 of the 2006 Rules provides for eligibility to receive financial assistance under the said Rules. It reads thus:

> *"The eligibility to receive financial assistance under these rules shall be as per the provision in the application in Form A for compassionate financial assistance."*

8. A perusal of the provisions of Scheme 1964 and 2006 Rules shows that those parents, who are wholly dependent during the life time of a

deceased employee have been kept in Category II. But at the same time, they make it abundantly clear that the parents would become entitled for financial assistance only if no widow or child had been left behind by the deceased. In the case in hand, the deceased not only left behind a widow but an enquiry was also ordered to be conducted by this Court relating to dependency of the appellant on her deceased son. As per findings in the inquiry, the appellant could not be said to be dependent on her deceased son as her annual income was ₹ 53,400/-. Under the provisions of 2006 Rules after the death of deceased Satyawan Singh, monthly ex gratia financial assistance was released to his widow being dependent and also being the first claimant under the Scheme 1964. Once the widow remarried, the financial assistance granted to her was rightly stopped by the respondent-State.

8. As a sequel of above discussion, we find no illegality or perversity in the order dated 26.07.2016 passed by learned Single Judge in holding that the appellant cannot be held entitled to replace her widowed daughter-in-law since remarried, to claim monthly ex gratia financial assistance.

9. Accordingly, the present appeal is bereft of any merit and stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

26.03.2019
sonia

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