

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

CWP No.16717 of 2017
Date of Decision: 14.2.2020

Sheela Dhiman

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Sandeep Verma, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

Mr. Arshdeep Bhullar, Advocate, for respondent No.3.

NIRMALJIT KAUR, J. (Oral)

The present writ petition is filed seeking claim for service benefits and arrears of deceased son of the petitioner on the ground that her deceased son was having matrimonial dispute with his wife and the petitioner being the mother of the deceased is entitled to 1/3rd monthly financial assistance and that she was recorded as nominee of her deceased son.

Reply has been filed. As per the reply filed on behalf of respondent No.3, respondent No.3-wife of the deceased has a small girl child aged four years and she has no other means to sustain herself and her daughter. Moreover, as per the notification dated 21.7.2006 issued by the Punjab Civil Services Rules II, Family Pension Scheme 1964, in case of parents, who are wholly dependent upon the Government employee are entitled to the share in family pension, if he/she was alive upto the date of death provided that the deceased employee had left behind neither a widow nor a child. In the present case, the deceased has left behind respondent

No.3-widow as well as a minor daughter of four years.

Moreover, the income of the parents should not be more than ₹ 2,550/- per month for which the parents are required to produce an annual certificate to the effect that their earning is not more than ₹ 2,550/- per month. In the present case, no such certificate has been produced. Obviously, income of the petitioner is above the limit. In any case, it is admitted position that the petitioner is a nominee in the Life Insurance Policy taken by the deceased son and after the death, she has received the value of the insurance policy although respondent No.3 has filed a suit to claim her share in the said insurance policy.

No other rules or regulations have been pointed out to this Court, which may entitle the petitioner for the monthly financial assistance in the facts of the present case.

The writ petition is dismissed accordingly.

While issuing the notice of motion, 1/3rd share of the monthly financial assistance was stayed. The same be accordingly, released to respondent No.3 forthwith.

(NIRMALJIT KAUR)
JUDGE

14.2.2020
sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No