

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

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CWP-13229-2022

Date of Decision :04.07.2022

Nirmala Devi**..Petitioner**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Sonia G. Singh Samber, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, prayer of the petitioner is for the grant of family pension to her in respect of the services rendered by her late husband namely, Ram Kumar.

As per the facts mentioned in the present writ petition, husband of the petitioner was appointed as Sweeper on 23.07.2007 and unfortunately within a period of one month, he met with an accident and died on 24.08.2007. Thereafter, the petitioner prayed for the grant of benefit of compassionate assistance to her by placing reliance upon Policy dated 03.08.2006 but, as the respondents did not extend the said benefit to the petitioner under the said policy, the petitioner approached the Civil Court for the grant of the relief and ultimately Civil Court allowed her claim for the grant of financial compassionate assistance for 12 years from the date of death of her husband, which period expired in the year 2019. Prayer of the petitioner in the present petition is for the grant of benefit of family pension

in respect of the services rendered by her late husband.

Learned counsel for the petitioner argues that the petitioner is entitled for the grant of family pension in respect of the services rendered by her late husband keeping in view 1964 Rules, which govern the grant of family pension. Learned counsel for the petitioner further argues that as per 2006 Policy, which deals with the grant of compassionate assistance, family pension is admissible after the period of compassionate assistance expires.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The basic question, which arises in the present petition is whether the petitioner is entitled for the grant of family pension or not. Family pension is only granted in case an employee, who was serving, was entitled for the grant of pension in respect of the services rendered by him/her. In the present case, as conceded by the learned counsel for the petitioner, husband of the petitioner was appointed in July, 2007 when there was no pension available in respect of the post on which the husband of the petitioner was appointed. That being so, once the husband of the petitioner was not entitled for pension in respect of the service being rendered by him, the question of grant of family pension to the petitioner does not arise at all.

Argument of the learned counsel for the petitioner that as per the policy dated 01.08.2006, family of a deceased employee is entitled for the grant of family pension after the period of compassionate assistance is over, the said condition is only applicable in respect of an employee, who dies while in service but is eligible for the grant of pension under the Old Pension Scheme. The interpretation being given to the Policy dated

01.08.2006 by the petitioner is incorrect. Once, on the post on which the husband of the petitioner was appointed, was not pensionable, claim of the petitioner for the grant of family pension does not arise.

In view of the above, no ground for interference by this Court is made out.

Dismissed.

July 04, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No