IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(228) **CWP No. 13022 of 2018**
Date of Decision : 17.03.2022

Krishna Devi

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

...Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jaspal Singh Maanipur, Advocate for the petitioner.

Mr. Charanjit Singh Bakhshi, Advocate for the respondents.

***

Harsimran Singh Sethi J. (Oral)

The present petition has been filed by the wife of late Sh. Suresh Chand with a prayer that her husband, who was working on daily wage basis with the Haryana State Electricity Board, who met with a non-fatal accident on 01.05.1987 and suffered 100% disability, be treated as a regular employee of the respondent-department so as to grant the petitioner the benefit of family pension after the said employee, Suresh Chand, unfortunately, died on 28.10.2010. The prayer of the petitioner is that once, her husband had worked on daily wage basis starting from August, 1979 till 01.05.1987, he should be treated as regular employee of the respondent-board for all intents and purposes and be granted the relief, which a family of regular employee is entitled for after the death of the employee concerned.

KANCHAN
2022.03.23 14:39
I attest to the accuracy and
integrity of this document

After notice of motion, the respondents have filed the reply controverting the claim of the petitioner. In the reply, it has been mentioned that whatever the department could have given to the petitioner, has already been extended. The petitioner was appointed as a Peon with the respondent-department on 20.11.1990 on compassionate ground and for the disability suffered by her husband, an amount of Rs. 58,331/- under the Employee's Compensation Act, 1923 was also extended to the petitioner on 09.11.1989. As per the respondents, the employee concerned, never approached any authority for claiming regularization of his services though, the employee remained alive for a period of more than 13 years after suffering the said accident. Learned counsel for the respondents submits that the present petition has been filed by the petitioner in the year, 2018 i.e. after 10 years of the death of her husband and approximately, after 31 years of the accident, which the late husband of the petitioner suffered and the prayer of the petitioner is liable to be rejected on the ground of delay itself. Learned counsel further submits that there is no policy or the rule, which would entitle the notional regularization of the late husband of the petitioner so as to grant family pension to the petitioner, who is actually now serving with the respondent-department since the year 1990 onwards after being appointed on compassionate ground.

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

The prayer of the petitioner in the present petition is devoid of any merit. It was the husband of the petitioner, who had worked on daily wage basis with the respondents. He never raised any claim with regard to the regularization of his service either before suffering the accident in the

KANCHAN
2022.03.23 14:39
I attest to the accuracy and
integrity of this document

year 1987 or up to the date he, unfortunately, died i.e. in October, 2010. That being so, the petitioner cannot raise any grievance and raise a claim that her husband should be treated as a regular employee of the respondent-department so as to also grant family pension to the petitioner and that too after a period of 31 years delay in approaching this Court, in the facts and circumstances of this case is futile. In the absence of any claim by the employee himself for a period of 20 years and the spouse cannot approach this Court and that too after receiving all the benefits in respect of the service rendered by the employee concerned and also the compassionate appointment.

Further, the regularization of the service can only be undertaken keeping in view the policy of the State and nothing has been brought to the notice of this Court that the late husband of the petitioner became entitled for the regularization of his service prior to the date he, unfortunately, suffered the accident in the year 1987. That being so, no benefit of regularization of service of the late husband, as being claimed by the petitioner, can be extended to her at this stage.

Further more, it is not a case that the respondents have treated the petitioner unfairly after her husband met with an accident while performing the duties with the respondent-board. The petitioner was extended compensation along with a job on compassionate ground. The petitioner was never left in a financial distress by the respondents. Despite getting those concessions from the respondent-board, the petitioner chose to file the present petition after 31 years of the accident and 10 years after the death of her husband claiming regularization of her late husband only to get a family pension.

KANCHAN
2022.03.23 14:39
I attest to the accuracy and
integrity of this document

Keeping in view the facts and circumstances of this case, no ground is made out to grant the petitioner the benefit as being claimed in the present petition.

Dismissed.

March 17, 2022 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

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

KANCHAN
2022.03.23 14:39
I attest to the accuracy and
integrity of this document