

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

Sr. No.211

CWP No.378 of 2016

Date of Decision: 05.07.2022

Savitri Devi

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Kumar Yadav, Advocate for
Mr. R.D.Yadav, Advocate
for the petitioner.

Mr. Narender Behgal, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed seeking issuance of a writ in the nature of mandamus directing the respondents to grant the petitioner the pension in respect of the service rendered by her late husband namely Deegh Ram, who was appointed as a Driver with the Haryana Roadways on 10.07.1984 and served upto 15.08.1984, when unfortunately, he died while on duty.

Learned counsel for the petitioner submits that the only reason given by the respondents is that the petitioner is not entitled for the family pension under the Family Pension Scheme, 1964 as amended from time to time, on the ground that the late husband of the petitioner did not had one year of service to his credit at the time of his death, which is mandatory.

Learned counsel submits that the said question of law whether one year of service is mandatory before the grant of family pension to the legal heir, has already attained finality keeping in view the judgment

rendered by Hon'ble Division Bench of this Court in **CWP No.10208 of 1995** decided on 13.03.1996 titled **Savitri Devi versus State of Haryana and others** but still the respondents ignoring the said judgment, which also relates to State of Haryana, are again relying upon the said provision of law, which has been held to be bad.

Learned State counsel very fairly submits that though the department has raised the objection of requirement of minimum one year service before the family pension is granted under the Family Pension Scheme, 1964, but keeping in view the judgment rendered in **Savitri Devi's case (supra)**, the same is not essential anymore. Hence, the claim of the petitioner will be considered for the grant of family pension from the date when she became entitled for the same after the death of her husband and the department may kindly be given two months' time to process her case for release of necessary benefits.

Keeping in view the aforesaid statement of learned State counsel, learned counsel for the petitioner submits that no further grievance of the petitioner survives in the present petition and therefore, the present petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

05.07.2022
Maninder

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