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

**CWP No.11157 of 2019 (O&M)  
Date of Decision: 28.02.2023**

**BABITA DAHIYA**

**.....Petitioner**

**Vs**

**STATE OF HARYANA AND OTHERS**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Rajat Mor, Advocate  
for the petitioner.

Mr. Naveen Singh Panwar, D.A.G., Haryana.

Mr. H.S. Oberoi, Advocate  
for the respondent No.3.

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**RAJ MOHAN SINGH, J.(Oral)**

[1]. Grievance of the petitioner is that she is unmarried daughter of the deceased employee Sh. Mahi Pal Dahiya and under the Rules, she is entitled to family pension. On this premise, the present writ petition has been preferred for the issuance of an appropriate writ in the nature of mandamus directing the respondents to grant family pension to the petitioner as per Rule 10(B)(iii) of the Haryana Civil Services (Pension) Rules, 2016 read with Haryana Compassionate Assistance to the Dependents of deceased Government

Employee Rules, 2006 as well as Family Pension Scheme, 1964 as amended on 21.10.2008.

[2]. Father of the petitioner namely Sh. Mahi Pal Dahiya was appointed in the Excise and Taxation Department, Haryana on 28.08.1971. He retired on 31.08.2005 and after his retirement, he was getting pension from the Department vide PPO No.1309685/HR. Unfortunately Sh. Mahi Pal Dahiya died on 14.03.2012. Wife of Sh. Mahi Pal Dahiya had already died on 28.12.1993 and the petitioner started getting family pension being unmarried daughter having no source of income. On attaining the age of 25 years, the family pension of the petitioner has been stopped w.e.f. 06.10.2016. The representation made by the petitioner has not yielded any positive result.

[3]. In para no.5 of the writ petition, following averments have been made by the petitioner:-

*“5. That after the death of her father Shri Mahi Pal Dahiya, the petitioner started getting family pension being unmarried daughter and having no source of income. Besides, this no other beneficiary of Shri Mahi Pal Dahiya is left behind.*

[4]. In response to the aforesaid averments, following stand has been taken by the respondents No.1 and 2 in their parawise reply on merits:-

*5. That in reply of para No.5 of the Civil Writ Petition, it is stated that it incorrectly mentioned that*

*petitioner is the only beneficiary left, after the death of Late Sh. Mahipal Dahiya, Taxation Inspector (Retired). She is having two brothers, namely Sh. Amit Kumar & Sh. Sanjeev Kumar but it is pertinent to mention here, that both of her brothers have furnished no objection certificate by way of affidavit in the Department that they have no objection in considering the petitioner as sole claimant for the pension (Affidavit Anx. AS AR-1&2).*

[5]. Evidently, the only objection is that under the amended Family Pension Scheme, 1964 the unmarried daughter will not be eligible for family pension unless the next above her has become ineligible for grant of family pension. The pension to unmarried daughter above the age of 25 years shall be payable only after the other eligible children below the age of 25 years have ceased to be eligible to receive family pension and that there is no disabled child to receive the family pension. The unmarried daughter will be ineligible for family pension from the date of her marriage or when she starts earning her own livelihood.

[6]. The petitioner is having two brothers namely Sh. Amit Kumar and Sh. Sanjeev Kumar. Both the brothers have furnished their affidavits/No Objection Certificates to the Department, showing no objection in case the claim of the petitioner is considered as a sole claimant for the family pension of deceased Mahi Pal Dahiya.

[7]. In view of stand taken by the respondent No.1, the amended Family Pension Scheme, 1964 is reiterated. However, the present status of the petitioner is not known viz.-a-viz. her marital status.

[8]. Learned counsel for the petitioner submits that at the time of filing of the present petition, the petitioner was unmarried. The petitioner is entitled to receive family pension till such time she marries.

[9]. In the light of aforesaid facts, the claim of the petitioner can be appreciated that she is entitled to family pension on the same pattern as was accorded to her at the time of granting the family pension after demise of her father. The family pension shall continue till marriage of the petitioner or till the date she starts earning her livelihood independently.

[10]. For the reasons recorded hereinabove, this writ petition is disposed of.

February 28, 2023

*Atik*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No

Yes/No