

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

LPA-585-2021 (O&M)
Reserved on: 07.11.2023
Pronounced on: 17.11.2023

State of Haryana and Others

... Appellants

Versus

Baljinder Kaur and Another

... Respondents

**CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellants

Mr. Gurmandeep Singh Sullar, Advocate
Ms. Devika Anand Sullar, Advocate,
Ms. Ridhima Malik, Advocate,
for respondent No.1

AMAN CHAUDHARY, J.

1. The present intra-Court appeal, under Clause X of the Letters Patent has been filed impugning the judgment dated 25.01.2021, vide which, the learned Single Judge allowed the civil writ petition preferred by the respondent.

2. Learned counsel contended that the respondent was not entitled to grant of arrears of monthly financial assistance as also the family pension, which has been rightly rejected in the year 2017 on account of a valid reason, it being a case wherein the widow of the deceased employee was convicted in a criminal case registered under Section 302 IPC, therefore, as per the terms of grant of the financial assistance, the same could not be continued and likewise, on account of Rule 2.2(a) of Punjab Civil Service Rules, Vol.-II, future good conduct for grant of pension was an implied condition and the same could be withheld or withdrawn if the pensioner is convicted of serious crime. Even Rule 4-A (a) of the Family

Pension Rules, 1964, (hereinafter referred to as '1964 Rules') disentitled the respondent to receive family pension. These aspects have not been properly appreciated by the learned Single Judge and the writ petition was wrongly allowed.

3. Learned counsel appearing on behalf of respondent No.1 submitted that the writ petition was rightly allowed, as all provisions referred to by learned State counsel have been duly deliberated upon and only thereafter, she was held entitled to family pension as also arrears.

4. Heard the learned counsel on both sides.

5. We are unable to countenance the contention of the appellant for the key considerations as henceforth.

6. Facts as they are, the husband of respondent No.1, a government employee working as Science Master in Education Department, Haryana had died on 17.11.2008 in harness, at the age of 49 years and she being his widow became entitled for grant of financial assistance, under the Haryana Compassionate Assistance to the Dependents of the Deceased Government Employees Rules, 2006 (hereinafter referred to as '2006 Rules').

7. It may be accentuated at the outset that the financial assistance was being granted in terms of Rule 5 of 2006 Rules as per the provisions of the family pension scheme of 1964 and the disqualification envisaged in terms of Rule 4-A(a) of 1964 Rules, does not get attracted in as much as it comes into operation only when there is involvement of the concerned in the offence of murder or abetting the same of the government employee, which indubitably is not the case.

8. Notably, the Rule 2.2(a) *ibid* as applicable to State of Haryana and/or Rule 10 of the Haryana Civil Services (Pension) Rules, 2016, relate to a pensioner, which the respondent was not and even otherwise the family pension would have

commenced only after the date of superannuation of her deceased husband which was 31.10.2017, whereas her conviction was wayback in the year 2011.

9. On anvil of the aforesaid, the case of the respondent does not fall within the four corners of any of the aforesaid rules, whereby she could have been debarred from grant of family pension and/or continuation of benefit of financial assistance, which was abruptly stopped.

10. The learned Single Judge has dealt with all aspects *in extenso* and by placing reliance on the judgements, came to a rightful conclusion of entitlement of respondent No.1 to the arrears of monthly financial assistance, as also to grant of family pension and arrears thereof, there being no embargo.

11. The premise of the authorities to have declined the same is unsustainable. As rightly noticed by the learned Single Judge, this Court cannot also be oblivious of the fact that the financial assistance and family pension are granted for sustenance of the family of the deceased employee, who in the present case, left them way too early at the age of 49 and the appeal against conviction of the respondent is still pending consideration, wherein her sentence had been suspended. We therefore find no ground to interfere both either on fact and or on law.

12. There is no infirmity or illegality in the impugned judgment. As such, the present appeal being bereft of merit, is hereby dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE
17.11.2023
gsv/mkk

(AMAN CHAUDHARY)
JUDGE

Whether speaking / reasoned: YES / NO
Whether Reportable: YES / NO