

**CM-20260-CWP-2023 in/and
CWP-15451-2019 2023:PHHC:159364 1
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(103) **CM-20260-CWP-2023 in/and
CWP-15451-2019
Date of Decision : December 13, 2023**

Sombir **.. Petitioner**

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kanhiya Soni, Advocate, for the petitioner.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-20260-CWP-2023

Present application has been filed for recalling the order dated 06.11.2023, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Pankaj Middha, learned Addl. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 06.11.2023 is recalled and the writ petition is restored to its original number and status.

CWP-15451-2019

1. In the present writ petition, the challenge of the petitioner is that the monthly financial assistance being provided to the petitioner after the death of his mother has wrongly been curtailed on attaining the age of 25 years whereas, the same was to be paid upto the date the deceased employee would have attained the age of superannuation.

2. Learned counsel for the petitioner argues that in the present petition, the father of the petitioner who was working with the respondent-State, unfortunately died while in service on 17.03.2007. On the date, when the death of the father of petitioner took place, the Haryana Compassionate Financial Assistance Dependents of the Deceased Government Employees, Rules 2006 were applicable. Under the said Rules, the 'family' as defined under the pension/Family Pension Scheme of 1964, were eligible to get the financial assistance and as per the 2006 Rules, the financial assistance was to be paid to the family of the deceased employee till the said deceased employee would have attained the age of superannuation. After the death of the father of the petitioner, the mother, who was alive, was granted the benefit of monthly financial assistance.

3. It may be noticed that the monthly financial assistance was to be paid to the mother upto the year 2019 but, unfortunately, the mother of the petitioner also died on 19.06.2010. Thereafter, the monthly financial assistance was transferred in the name of the petitioner and the petitioner was paid the monthly financial assistance upto the date, the petitioner attained the age of 25 years as envisaged under 1964 Family Pension Scheme qua the eligibility of family pension to son/daughter of a deceased employee.

4. The prayer of the petitioner is that the monthly financial assistance as admissible to the petitioner has wrongly been stopped on attaining the age of 25 years and has been paid upto 14.10.2015 only whereas, the said monthly assistance should be paid till March 2019 as initially awarded while the mother of the petitioner was alive.

5. Learned counsel for the respondents submits that in the present petition, the claim of the petitioner is contrary to the 2006 Rules under which the monthly financial assistance is provided to a family member of the deceased employee. Learned counsel for the respondents further submits that as per 1964 Family Pension Scheme, the son/daughter is only to get the benefit of family pension upto the age, the son/daughter attains the age of 25 years hence, once the petitioner attained the age of 25 years on 14.10.2015, the monthly financial assistance was stopped as the same cannot be made beyond the said date.

6. Learned counsel for the respondents further submits that as per the Department, prior to the attaining the age of 25 years, the petitioner got married, which is also a factor to stop his monthly financial assistance, hence, it can be safely said that the petitioner has been paid more amount than his entitlement.

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

8. It is a conceded position that under 2006 Rules, the entitlement of a family member for the benefit of financial assistance is to be seen keeping in view the provisions of 1964 Family Pension Scheme. As per the 1964 Family Pension Scheme, the children of the deceased employee will only get family pension upto the age of 25 years in case the mother dies

before the children attained the age of 25 years. Hence, the grant of financial assistance to the petitioner upto the date he attained the age of 25 years is in consonance with 2006 Rules.

9. Learned counsel for the petitioner has not been able to point out any provision under 2006 Rules or 1964 Family Pension Scheme that the petitioner, despite attaining the age of 25 years, will continue to get the benefit of monthly financial assistance upto the date when the mother of the petitioner was found entitled for. That being the factual position, no interference is called for by this Court in the act of the respondents in only paying the monthly financial assistance upto the date when the petitioner attained the age of 25 years.

10. Qua the observation of the respondents that the petitioner will also lose his right to receive the financial assistance upon getting married, learned counsel for the respondents has not been able to point out any provision in the scheme according to which, a married son will lose the right to receive benefit of monthly financial assistance upon getting married. In the absence of any such Rules shown to this Court, the assertion that the petitioner claim to receive the financial assistance would have ended the day he got married, cannot be accepted.

11. Keeping in view the above, no ground is made out for grant of any benefit as being claimed by the petitioner in the present writ petition.

12. Dismissed.

December 13, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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