

2023:PHHC:109879

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

RSA-2601-2023 (O&M)

Date of decision: 22.08.2023

Sudesh Kumari

..Appellant

Versus

State of Punjab and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Lupil Gupta, Advocate for the appellant

Mr. Sandeep Chopra, DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff in this Regular Second Appeal. In substance, the dispute that arises for adjudication is with regard to the entitlement of the appellant to the enhanced family pension at the rate of 50% as her husband died in harness. Both the courts have held that the appellant's husband attained the age of superannuation. Thereafter, he was granted extension in service for a period of one year i.e 01.03.2017 to 28.02.2018. He died during the aforesaid extended period. Both the courts, while relying upon the specific instructions of the Government dated 01.07.2017, held that the death of an employee during the extended period of service would not entitle his heirs to the enhanced family pension at the rate of 50%.

2. Learned counsel representing the appellant admits that service rules in this regard are silent. Once there is a vacuum in the rules, the instructions issued by the Government will supplement the

same. There is no challenge to the correctness of the said instructions.
Hence, no ground to interfere is made out.

- 3. Dismissed.
- 4. All the pending miscellaneous applications, if any, are also disposed of.

22.08.2023
rekha
Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(ANIL KSHETARPAL)
JUDGE