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

(245)

**CWP-7866-2022
Date of Decision : May 21, 2024**

Ashok Kumar**.. Petitioner**

Versus

State of Haryana and others**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Suresh Kumar Kaushik, Advocate, for the petitioner.

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

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the order dated 22.03.2022 (Annexure P-6) by which, the claim of the petitioner for compassionate appointment has been declined. Further prayer of the petitioner is for the grant of pension and other benefits admissible to the petitioner.

2. At the time of hearing, learned counsel for the petitioner submits that keeping in view the fact that financial assistance under the Haryana Compassionate Assistance to the Dependents of Deceased Govt. Employees Rules, 2006, has already been extended initially to the mother of the petitioner and thereafter, to the sister of the petitioner, the benefit of compassionate appointment being claimed in the present petition is not being pressed.



3. Learned counsel for the petitioner submits that in respect of the service rendered by the late father, after the grant of financial assistance, the family was also entitled for the benefit of family pension, which benefit has not been released in favour of the petitioner even though he was entitled for the same. Learned counsel for the petitioner further submits that the date of retirement of the father of the petitioner was 31.05.2013 hence, as the financial assistance has only been paid upto the said date, the petitioner is entitled for the grant of family pension keeping in view Rule 5 (2) of 2006 Rules starting from the said date i.e. 01.06.2013.

4. Learned counsel for the respondents, on the other hand, submits that the present petition has been filed in the year 2022 for claiming the benefit of family pension admissible in the year 2013 hence, the said claim should be declined on the ground of delay and laches. Learned counsel for the respondents further submits that as per the rules governing the service, the son is only entitled for the family pension upto the date he attains the age of 25 years hence, as the date of birth of the petitioner is 17.06.1986, his right to seek family pension already stood extinguished on the date the father of the petitioner was to retire upto which date, concededly the financial assistance was paid to his sister.

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

6. It is a conceded position that the son is only entitled to seek the family pension upto the age of 25 years and keeping in view the date of birth of the petitioner, he had already attained the age of 25 years even



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before the grant of financial assistance came to an end in the year 2013, hence, on the date when the financial assistance came to an end, the petitioner was not eligible for the grant of family pension. Nothing has been brought to the notice of this Court that the petitioner was eligible to get the family pension after the financial assistance came to an end in May, 2013.

7. Keeping in view the above, no ground is made out for any interference by this Court in the present case.

8. Dismissed.

9. At this stage, learned counsel for the petitioner submits that in case, the petitioner was not eligible for the benefit of family pension, his sister was eligible for the said benefit.

10. It may be noticed that no claim has been raised by the sister of the petitioner and the present writ petition has been filed by the petitioner and in case, any right exist with the sister, she can avail appropriate remedy for the redressal of her grievance.

May 21, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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