



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(223)

CWP No. 11193 of 2023

Date of Decision : 30.05.2024

Amrit Kaur

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chander Pal Tiwana, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner is not being paid the full family pension, which the dependents of deceased Mewa Singh are entitled for and hence, appropriate direction be issued to the respondents to grant the petitioner the full family pension along with arrears and interest.

2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

3. Mewa Singh, who was working with the respondents was married to one Ishar Kaur. Out of the said marriage, two children were born, namely, Jaswinder Kaur and Jagtar Singh. Unfortunately, Ishar Kaur died and thereafter, Mewa Singh married the present petitioner on



17.06.1998. Out of the wedlock with Mewa Singh, the petitioner gave birth to a daughter, namely, Kulwinder Kaur and son, namely, Jaswant Singh. Mewa Singh died on 01.04.2006. Keeping in view the rules governing the service for the grant of family pension, 50% family pension was given to Jagtar Singh i.e. son born out of the first marriage and 50% of the family pension was given to the petitioner. As per the rules governing the service, the son is only entitled for family pension upto the age of 25 years. After Jagtar Singh attained the age of 25 years, his family pension was stopped but the same was not credited in the account of the petitioner and the same was treated to be ceased under the rules governing the service. Petitioner is claiming that the ceased pension, which was earlier being paid to Jagtar Singh, be credited to the account of the petitioner along with all the arrears and interest.

4. Learned counsel for the respondents submits that the action has been taken keeping in view the rules governing the service i.e. Note given below 16.17(4) of the Punjab Civil Services Rules, Vol.II and, therefore, the benefit which has been withdrawn from Jagtar Singh after his ineligibility to get family pension, the same could not be credited in the account of the petitioner.

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

6. The question of law raised in the present petition is no longer res-integra. The same has only been decided while passing order in CWP No. 21138 of 2017 titled as ***Ravinder Kaur Vs. State of Punjab and***



others, decided on 09.07.2019. In the said judgment, it has been held that the share of the wife cannot be curtailed and in case, anyone of the legal heirs becomes ineligible to get the family pension, the same is to be credited in the account of the other eligible family members.

7. Learned counsel for the respondents has not been able to rebut the said fact and point out any distinction qua the applicability of the judgment in ***Ravinder Kaur's case (supra)*** upon the petitioner.

8. Keeping in view the above, the present petition is disposed of in terms of judgment passed in ***Ravinder Kaur's case (supra)*** with the only modification that the rate of interest will be 6% instead of 9% as given in ***Ravinder Kaur's case (supra)***.

May 30, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No