

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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[CWP-6740-2017](#) (O&M)  
Decided on : 29.01.2024

Pataso Devi . . .petitioner  
Versus  
State of Haryana and others . . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Harshit Joon, Advocate for  
Mr. Manvender Rathi, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

**HARSIMRAN SINGH SETHI, J. (Oral)**

1. Learned counsel for the petitioner submits that the question of law raised in the present petition has already been answered by the Division Bench of this Court while passing the judgment in CWP No. 10208 of 1995 titled as '*Smt. Savitri Devi v. The State of Haryana and others*' decided on 13.03.1996. Learned counsel for the petitioner submits that keeping in view the said judgment, the petitioner who is widow of Sh. Satbir Singh s/o Sh. Ram Dia, who was working on the post of Mali-cum-Chowkidar with the respondents-department since 07.05.1996, is entitled for the grant of family pension.

2. Learned counsel for the petitioner further submits that the petitioner is ready to forgo her claim with regard to the grant of interest on delayed payment of family pension, keeping in view the fact that the claim was raised by filing the present petition in the year 2017.

3. Per contra, learned counsel for the respondents submits that though there is no objection with regard to the fact that the question of law raised in the present petition has already been answered by this Court while passing the order in *Smt. Savitri Devi's case (Supra)* but nothing has come on record that the late husband of the petitioner was medically examined at the time when he was initially appointed on the post of Mali-cum-Chowkidar by the department concerned. Learned counsel for the respondents further

submits that the said record with regard to the medical examination of the petitioner could not be traced.

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

5. It is a conceded position that every Government employee is allowed to join the duties after the medical examination and only after the said medical examination, he/she is declared fit to perform the duties for the post in question. It is also a conceded position that after joining the services, the late husband of the petitioner worked with the department from 07.05.1996 till 21.06.1996. That being the conceded position, the claim of the petitioner is squarely covered by the judgment of the Division Bench of this Court in Smt. Savitri Devi's case (Supra).

6. Keeping in view the facts and circumstances of the present case where the question of law raised in the present petition has already been answered by this Court while passing order in Smt. Savitri Devi's case (Supra), the present petition is also allowed in same terms and conditions as held in Smt. Savitri Devi's case (Supra) and the petitioner is entitled for the grant of family pension alongwith arrears from the date the same becomes due.

6. The respondents are directed to grant the family pension admissible to the petitioner and grant her arrears from the due date within a period of eight weeks from the receipt of copy of this order.

7. Present petition is allowed in above terms.

8. Civil miscellaneous application pending, if any, is also disposed of.

(HARSIMRAN SINGH SETHI)  
JUDGE

**29.01.2024**

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No