

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

(216)

CWP-9965-2018

Date of Decision : May 07, 2024

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

Present: Mr. Laxman Chaudhary, Advocate, for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance is being raised by the petitioner, who is mother-in-law of the deceased, that she has not been granted the benefit of financial assistance after the death of her daughter-in-law.

2. Learned counsel for the petitioner argues that in a tragic accident, the son of the petitioner as well as her daughter-in-law unfortunately died on 02.07.2010. After the death, as there was no other claimant, in respect of the benefit of financial assistance being the mother of the deceased Raj Kumar, the said benefits have already been extended to the petitioner. The petitioner is claiming that as in the same accident, her daughter-in-law namely Sarita had also died, the petitioner is also entitled for separate claim as Sarita was also a Government servant.

3. The question which arise is whether, the petitioner can be treated as family member of Sarita so as to get the benefit of financial assistance.

4. As per the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006, family pension scheme of 1964 is to be seen for the purpose of family. In the definition of family, only the wife, husband, minor son, unmarried minor daughters, widowed/legally divorced daughters and the parents of unmarried officers have been incorporated. There is no clause that the in-laws have also been made the beneficiaries of family pension scheme so as to get the benefit under 2006 Rules.

5. It has already come on record that the benefits in respect of the son have already been given to the petitioner being the mother and she is already getting the financial benefits admissible to her including the service benefits admissible keeping in view the death of son of the petitioner.

6. Keeping in view the 2006 Rules under which, the financial assistance is being sought in the present case, the said benefits cannot be made admissible to the petitioner qua the death of daughter-in-law namely Sarita. In respect of the death of Sarita, it is only the husband, minor son, minor daughter or the parents can get it whereas, the petitioner does not fulfill any of the requirement as she is the mother-in-law of the deceased employee. Hence, no financial benefit can be extended to the petitioner under 2006 Rules in respect of the death of her daughter-in-law namely Sarita.

7. Further, with regard to the claim of gratuity also, the said benefit is not admissible keeping in view Rule 6.16 A of the Punjab Civil Services Rules as applicable to Haryana, which were in operation at the

time of death. The Rule 6.16A is as under:-

“ If an officer, who has completed five years' qualifying service, dies while in service, a gratuity, not exceeding the amount specified in sub-rule(3) may be paid to the person or persons on whom the right to receive the gratuity is conferred under Rule 6.16-B or if there is no such person, it shall be paid in equal shares to those surviving members of a Government employee's family as detailed in rule 6.16-B who belongs to categories (i) to (iv) mentioned therein except widowed daughters. Where there are no such surviving members, but there is/are surviving widowed daughters and/or one or more members of the family of the Government employee who belong(s) to categories (v) to (ix) mentioned, in rule 6.16-B, the gratuity may be paid to all such persons in equal shares. In cases where the qualifying service is less than the prescribed minimum (viz. 5 years) the deficiency should not be condoned.”

8. Learned counsel for the petitioner has not been able to substantiate that the claim for the grant of gratuity is also admissible keeping in view the provisions reproduced hereinbefore hence, even the said benefit cannot be claimed by the petitioner in respect of death of her daughter-in-law Sarita.

9. However, in respect of the death of Sarita, in case any eligible persons under the Rules claims, the respondent-Department is directed to consider the said claim in accordance with law.

10. The present writ petition is disposed of in above terms.

May 07, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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