



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CWP No. 27707 of 2019
Date of Decision : 28.05.2024

Ambika

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Manoj Makkar, Advocate for the petitioner.

Ms. Vibha Tewari, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that she is not being granted the family pension for which she is eligible after she became widow.

2. As per the facts mentioned in the petitioner, the father of the petitioner, namely, Raghukul Bhushan was working as a permanent employee as Pharmacist with the Civil Surgeon, (Medical) in the Department of Health, Government of Haryana. He died while in service on 12.01.1981. The mother of the petitioner was also working as a Pharmacist with the same department and unfortunately, she also died on 07.07.1982. After the death of the parents, one of the brother of petitioner



got ex-gratia appointment qua the service rendered by mother of the petitioner.

3. After the death of the father of the petitioner, one of the elder brother of the petitioner was getting the family pension and he continued to get the same till he got a Government Job i.e. 14.06.1990. Thereafter, in the year 1990, as the petitioner was unmarried, the petitioner was paid the family pension keeping in view the service rendered by her deceased father, namely, Raghukul Bhushan vide PPO No. 3900/F/HR. The petitioner got married in the year 1996 after which date the family pension of the petitioner was stopped.

4. Unfortunately, the husband of the petitioner, namely, Sanjeev Kumar died on 22.09.2017. As the petitioner had no other source of income, she applied for restoration of her family pension, which she was getting after the death of her father. The said benefit is not being extended to the petitioner, which action of the respondents is under challenge in the present petition.

5. Learned counsel for the respondents submits that as per the Instructions issued by the Government of Haryana, the widow/divorced daughters though are entitled for the grant of family pension but, the daughter should be widow or divorced at the time of death of her father, hence, as the husband of the petitioner had died much after the death of the father of the petitioner, no benefit can be extended.



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

7. It may be noticed that the family pension is to be paid to the daughter in order to see that widow or the divorced daughter is able to subsist herself. No justifiable reason has been given as to what difference it will make whether, the daughter is divorced at the time of the death of her father or get divorced after the death of the father. The prime issue is whether, the divorced/widow daughters are entitled to be sustained by giving them family pension or not. Even if a daughter gets divorce after the death of the father or become widow after the death of her father, she is entitled to be maintained. The classification which is being raised to decline the benefit that the father of the petitioner had died before the petitioner became widow, cannot be a ground to deny the benefit of family pension. The intention behind the extension of the said benefit is to be seen, which is that widow and divorced daughter needs to be maintained by giving them family pension. Hence, benefit of family pension should be extended irrespective whether, the daughter becomes widow or divorced after the death or was widow or divorced at the time of the death. Hence, the reasons being given by the respondents to deny the benefit is arbitrary and illegal and without looking into the claim for which the benefit was extended in favour of the widow or divorced daughter. Hence, from the date of the death of the husband of the petitioner, the respondents are directed to restore the family pension of the



petitioner and the petitioner be paid all the arrears starting from the said date. Let the order be complied with within a period of eight weeks of the receipt of copy of this order.

8. Petition is allowed in above terms.

May 28, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No