



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

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**CWP-4516-2024
Date of decision: 17.03.2025**

RAM KALA DEVI

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. R. K. Malik, Senior Advocate with
Mr. Kartikey Chaudhary, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to the order dated 29.09.2023 whereby the monthly financial assistance has been denied to the petitioner. A further direction is also sought by the petitioner for granting the monthly financial assistance w.e.f. 30.11.2017 as admissible under the Haryana Compassionate Assistance to the Dependent of the Deceased Government Employees Rules, 2006.

2. Learned Senior Counsel appearing on behalf of the petitioner contends that Bijender Singh-deceased son of the petitioner was Math Instructor posted at I.T. I. Berli Kalan (Rewari). His date of birth was

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01.05.1966. He was appointed in the Government Service on 02.04.2007 and he died on 11.06.2015. In the said accident, her son alongwith his wife-both died, leaving behind the petitioner being the mother and two children i.e. son Rohit Yadav and a daughter Pooja Yadav.

3. Learned Senior Counsel appearing on behalf of the petitioner has placed reliance on Rule 5 (1) (e) of the Haryana Civil Services Compassionate Financial Assistance or Appointment Rules, 2019 and contends that as per the said Rules, the eldest unmarried daughter has a preferential right compared to the deceased mother. Hence, vide order dated 19.11.2015/26.11.2015, the monthly financial assistance was granted to the daughter of late Bijender Singh. She was, however, married whereupon the monthly financial assistance was stopped by the respondents after 30.11.2017. The petitioner thereafter submitted a representation to respondent No.2, through the Principal, for being granted monthly financial assistance after 30.11.2017. The said representation was forwarded by the Principal, I.T. Bareilly, Kalan to the Director, Skill Development and Industrial Training, Haryana vide letter dated 05.12.2019, He contends that after submission of various representations, the matter was finally decided vide order dated 29.09.2023 whereby the claim of the petitioner was declined by the respondents without assigning any reason. The relevant extract of the order dated 29.09.2023 is as under:-

“Details of the conclusion and the investigation: date of uploading the conclusion report. According to the notice issued by general service-II branch and the Internal Audit Officer,



Smt. Ram Kalan Devi mother of Late Sh. Bijender Singh, Mathematics Instructor, Govt. Industrial Training Institute, Bareilly Kalan is not to be given compassionate assistance.”

4. Learned Counsel contends that as per the applicable scheme, the petitioner would become entitled to the benefit of financial assistance when the parent is fully dependent on the Government employee. The clause relied upon by him is extracted as under:-

(c) In the case of parents who were wholly dependent on the Government employee when he/she was alive, upto the date of death provided the deceased employee had left behind neither a widow nor a child;

5. Learned Senior Counsel for the petitioner contends that since the children could be granted financial assistance either upto attaining the age of 25 years or till their marriage, hence, the children i.e. Pooja Yadav as well as Rohit Yadav became ineligible for grant of financial assistance and hence the petitioner being dependent parent was entitled to grant of financial assistance.

6. Counsel for the respondents on the other hand contends that the reliance placed by the petitioner on the Haryana Civil Services Compassionate Financial Assistance or Appointment Rules, 2019 is misplaced since the death of Bijender Singh and his wife in the present case, took place on 11.06.2015 at which in point of time, the Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 were in force. He submits that the eligibility criteria to receive



financial assistance has been prescribed under Para No. 3 of the said rules, to be the eligibility for financial assistance as per provisions in the pension/Family Pension Scheme, 1964. Rule 3 thereof reads thus:-

“3. The eligibility to receive Financial Assistance under these rules shall be as per the provision in the pension/family pension scheme, 1964.”

7. He further submits that Rule 5 prescribed the criteria for grant of financial assistance on the death of government employee and the entitlement for financial assistance is to the family which such expression has been defined under Rule 4 (ii) of the Punjab Civil Service Rules Volume-II (Haryana State) Appendix-1, Family Pension Scheme, 1964, which reads thus:-

ii) "Family" for the purposes of this scheme includes the following relatives of the officer:-

(a) Wife, in the case of a male officer;

(b) Husband, in the case of a female officer;

(c) Minor sons;

(d) Unmarried minor daughters;

(e) Widowed/legally divorced daughters; and

(f) The parents of an unmarried officer.

Note 1.- *Clauses (c) and (d) include children adopted legally before retirement.*

Note 2. *A judicially separated wife/husband does not lose her/his legal status of wife/husband of the Government employee and is thus eligible for the benefit of the Family Pension Scheme, 1964.”*



8. A further reference is made to Rule 4 (iii) which deals with eligibility of grant of family pension to family members of the deceased Government employee which reads thus:-

(iii) The pension is admissible-

- (a) *In the case of widow/widower upto the date of death or remarriage, whichever is earlier;*
- (b) *In the case of son/unmarried daughter until he/she attains the age of twenty five years;*
- (c) ***In the case of parents who were wholly dependent on the Government employee when he/she was alive, upto the date of death provided the deceased employee had left behind neither a widow nor a child;***
- (d) *In the case of children in the order of their birth and younger of them will not be eligible for family pension unless the elder next above him/her has become ineligible for grant of family pension.*
- (e) *In the case of divorced/widowed daughter till they are alive:*

Provided that an unmarried daughter including widowed/divorced daughter will become ineligible for pension from the date of her marriage/remarriage;

9. Referring to the above, he contends that the benefit of financial assistance under the Rules of 2006 was to be given to the family as referred to in the Family Pension Scheme of 1964 and since the petitioner does not



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fall in the said definition, hence, the benefit of financial assistance could not be given to her.

10. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents appended alongwith the present writ petition.

11. The entire case built up by the learned Counsel for the petitioner is on the Rules that were not in force and are not applicable. Even still, the petitioner is not entitled to the said benefit under these rules as well.

12. The financial assistance rules of 2006 provide for eligibility to be as per the Scheme of 1964 and the person held eligible are prescribed under Rule 4 (ii) of the Scheme of 1964 entitles the parents to the same only if the employee is unmarried.

13. Since at the time of his death, deceased was survived by his children including unmarried daughter, hence, petitioner being mother is not eligible for the same.

14. So far as his reliance to Rule 4 (iii) of the Pension Rules, 1964 is concerned, the same is misplaced since the said rule governs grant of family pension and not financial assistance under the Scheme of 2006. The same is a separate claim which is not the relief claimed for in the present petition.

15. Even otherwise, even if arguments of the petitioner are accepted for the sake of arguments that Clause 'C' of the admissibility of pension as prescribed under Rule 4 (iii) of the Pension Scheme, 1964 as applicable to the Financial Assistance Rules, 2006, the same would not be applicable to



the case of the petitioner, yet, on a conjoint reading of the Financial Assistance Rules, 2006 with the Haryana Pension Scheme of 1964, a wholly dependent parent of a deceased Government employee shall be entitled to financial assistance only in case the employee does not leave behind either a widow or a child.

16. Learned Senior Counsel for the petitioner has been interpreting that in the absence of any other dependent of Government employee, the next in the order i.e. a dependent parent would automatically become eligible cannot be read into the said rules since the proviso is of vital significance. The said proviso entitles a dependent parent to claim the benefit of financial assistance only when the employee is not survived by either a widow or a child. In the present case, even though the deceased employee was not left behind by a widow, however, in the present case he was undisputedly left behind by two children. The scheme does not contemplate that in the event of the children becoming ineligible for grant of any further financial assistance on account of suffering ineligibility on becoming major or marriage, the benefit would be admissible to the dependent parent. Any such reading into the scheme, that is not prescribed therein, would tantamount to legislation, which such act exercise cannot be undertaken by a Court in exercise of its writ jurisdiction.

17. Further, even though the order under challenge may not be explicit but Counsel for the petitioner has even otherwise not been able to establish the entitlement of the petitioner as per rules.

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18. For the foregoing reasons, I find that there is no legality in the claim advanced by the Counsel for the petitioner, **the writ petition is accordingly dismissed.** At this stage, Counsel for the petitioner contends that she should be entitled to family pension as per the applicable rules, however, it is seen that the instant petition has not been filed for seeking family pension. Since the prayer made is beyond the pleadings or the case set up before this Court, hence, the same cannot be gone into by this Court at this stage.

19. Needless to mention that in the event of the petitioner moving a representation to the respondent-authorities for grant of family pension under the applicable rules, the same shall be considered by the respondents as per the applicable rules and the manner known to law.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 17, 2025*Vishal Sharma*

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No