



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5871-2023 (O&M)

Kalasho

... Petitioner

Vs.

Punjab State Power Corporation Ltd. and others

... Respondents

Reserved on: 02.12.2025
Pronounced on: 19.12.2025
Uploaded on: 19.12.2025

Whether only the operative part of the judgment is pronounced ? No
Whether full judgment is pronounced ? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Maanipur, Advocate
for the petitioner.

Mr. Gagandeep Singh, Advocate for
Mr. Shvetanshu Goel, Advocate
for the respondents.

HARPREET SINGH BRAR, J.

1. Present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to grant Family Pension to the petitioner w.e.f. 29.12.2000, i.e., the date of death of her husband and all the consequential benefits along with interest @ 9% *per annum*.

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2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner's late husband was appointed on work-charged basis on 01.10.1977 and rendered continuous service for over 21 years. He further submits that the services of the deceased were regularized as Assistant Lineman (ALM) vide office order dated 11.02.1999. It is urged that despite the regularization, the deceased was not allowed to join his regular post on account of administrative reasons, as is evident from communication dated 07.11.2000 (Annexure P-1). The petitioner's husband unfortunately expired on 29.12.2000, as discernible from the death certificate dated 15.01.2001 (Annexure P-2). Learned counsel places reliance on the judgment of this Court in ***Milan Rani Vs. The Punjab State Power Corporation Ltd. and another, CWP No. 12668 of 2010***, decided on 04.10.2011, which was upheld by the Hon'ble Supreme Court and contends that the petitioner is entitled to Family Pension under the Family Pension Scheme, 1964, as applicable to the Punjab State Power Corporation Ltd.

3. *Per contra*, learned counsel for the respondents submits that the cause of action arose in the year 2000, whereas the present petition has been instituted after an inordinate delay of 23 years, which is fatal to the petitioner's claim. Further the deceased employee, despite the regularization order dated 11.02.1999, never joined as a regular employee and remained a work-charged employee till his death. It is submitted that no appointment letter was ever issued to him for the regular post of ALM and hence, he cannot be treated as a regular employee for the purpose of pensionary benefits. Further, when the

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employee passed away, he was a work charged employee and as such, his dependents would not be entitled for family pension.

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

5. At the outset, it is pertinent to note that the judgment relied upon by the petitioner in ***Milan Rani's*** case (*supra*) is factually distinguishable. In that case, the employee had completed more than 11 years of service and his regularization, though posthumous, was accepted by the department. In the present case, the respondents have categorically asserted that the deceased never joined as a regular employee and no formal appointment letter was issued to him. The communication dated 07.11.2000 (Annexure P-1) only indicates a request for posting and does not constitute proof of joining or regularization in service.

6. The question that whether family members or dependents of a work-charge employee or an employee, whose services were not regularized, be entitled to family pension upon the demise of that employee, is no longer *res integra*.

7. A two-Judge Bench of the Hon'ble Supreme Court in ***Uttar Haryana Bijli Vitran Nigam Ltd. Vs. Surji Devi, 2008(2) SCC 310***, while speaking through Justice S.B Sinha, observed as under: -

“14. The scheme relating to grant of Family Pension was made under a statute. A person would be entitled to the benefit thereof subject to the statutory interdicts. From a bare perusal of the

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provisions contained in the Punjab Civil Services Rules, Volume 2 vis-a-vis the Family Pension Scheme, it would be evident that the respondent was not entitled to the grant of any family pension. Husband of the respondent was a work-charge employee. His services had never been regularized. It may be unfortunate that he had worked for 11 years. He expired before he could get the benefit of the regularisation scheme but sentiments and sympathy alone cannot be a ground for taking a view different from what is permissible in law. [See Maruti Udyod Ltd. v. Ram Lal and Others, 2005(1) SCT 771 : (2005)2 SCC 638, State of Bihar & Ors. v. Amrendra Kumar Mishra, 2006(4) SCT 497 : 2006(9) SCALE 549, Regional Manager, SBI v. Mahatma Mishra, 2007(1) SCT 67 : 2006(11) SCALE 258, State of Karnataka v. Ameerbi & Ors., 2007(1) SCT 601 : 2006(13) SCALE 319 and State of M.P. and Ors. v. Sanjay Kumar Pathak and Ors., 2007(4) SCT 616 : [2007(12) SCALE 72]

They statutory provisions, as noticed hereinbefore, debar grant of family pension in favour of the family members as the deceased employee if was a work-charge employee and not a permanent employee or temporary employee. The period during which an employee worked as a work-charge employee could be taken into consideration only when his services are regularised and he becomes permanent and not otherwise.”

8. Further, the Full Bench of this Court in ***Sita Devi Vs. State of Haryana, CWP-10006-2007***, decided on 02.08.2013, reaffirmed this principle and held that in the absence of regularization and joining of regular service, the claim for family pension cannot be sustained. In the said judgment, while speaking through Justice Sanjay Kishan Kaul, following was observed: -

“In our view, the issue is no more res-integra in view of the various judicial pronouncements and, thus, it certainly cannot be said that the petitioner as a legal heir of her deceased daughter would be entitled to family pension since the services of the petitioner were never regularized.”

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9. In the present case, the petitioner has failed to place on record any document to show that her husband ever joined as a regular employee after the purported regularization order. The respondents have specifically denied the submission of any joining report. In such a scenario, the deceased cannot be deemed to have become a regular employee entitled to pensionary benefits.

10. In view of the settled legal position and the factual matrix of the present case, this Court is constrained to hold that the petitioner is not entitled to the relief claimed.

11. Consequently, the present writ petition is dismissed, however, with no order as to costs.

12. The pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

19.12.2025
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No