



CWP-9155-2025

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

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CWP-9155-2025

Date of Decision: 01.04.2025

Kanta Devi

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sandeep Singh Singal, Advocate for the petitioner

Ms. Rajni Gupta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 26.12.2024 (Annexure P-11) whereby her claim for family pension has been rejected.

2. The petitioner's father retired from the office of respondent on 19.11.2004 who passed away on 14.11.2018. At the time of his death, he was getting pension. After his death, his wife started getting pension who also passed away on 07.10.2021. The petitioner's brother filed an affidavit with the respondent deposing that family pension may be closed. The petitioner is widowed daughter of the deceased employee. Her husband passed away on 09.02.2009 i.e. prior to death of his father. She is claiming family pension as per Haryana Civil Services (Pension) Rules 2016 (for short '**2016 Rules**'). The petitioner falls within definition of 'family' as defined under Rule 8(10)(B)(iv) of 2016 Rules. The respondent has rejected

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her claim on the ground that she was not staying with her father after the death of her husband. She is still staying in her matrimonial home.

3. Ms. Rajni Gupta, Additional Advocate General, Haryana, who on advance notice is present in Court, submits that the petitioner concededly is widowed daughter of deceased employee and she falls within the definition of 'family', however, she was not dependent upon her deceased father. The petitioner, since her marriage, is staying in her matrimonial home, thus, she is not entitled to family pension, nevertheless, respondent would still re-consider her claim as per applicable Rules.

4. This Court is *prima facie* of the opinion that petitioner is entitled to family pension as per 2016 Rules. The petitioner cannot be denied benefit merely on the ground that she was not staying with her father and was staying in her matrimonial home.

5. In the light of *prima facie* opinion of this Court, let the matter be re-considered and a fresh order be passed within three months from today.

6. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

01.04.2025*Mohit Kumar*

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