2025:PHHC:133104-DB

119 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1942-2025 (O&M)
Date of Decision: 24.09.2025

RAM KALA DEVI ... APPELLANT

VS.

STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. R.K.Malik, Senior Advocate with
Mr. Anshul Lubana, Advocate,
for the appellant.

Mr. Sourabh Mohunta, DAG, Haryana.

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ASHWANI KUMAR MISHRA, J. (ORAL)

1. This appeal arises out of an order passed by the learned Single Judge on 17.03.2025, whereby the claim of the appellant for family pension has been rejected.

2. The claim of the appellant is based upon a scheme framed by the State of Haryana known as the 'Haryana Compassionate Assistance to the Dependent of the Deceased Government Employee Rules, 2006'. The eligibility for the purposes of grant of *ex-gratia* financial assistance on compassionate grounds has been specified in Rule 3 to include those who are entitled to financial assistance as per the Pension/Family Pension Scheme, 1964. Rule 4 (ii) and (iii) of the applicable pension rules have been extracted in Paras 7 and 8 of the judgment of the learned Single Judge, which are also reproduced hereinbelow:-

Rule 4 (ii):

> *"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 loose her/his legal status of wife/husband of the Government employee and is thus eligible for the benefit of the Family Pension Scheme, 1964."*
>
> ***Rule 4 (iii) (c):***
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> *"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;"*

3. It is undisputed that the deceased son of the appellant was married. He had left behind a son and a daughter. After the death of the officer concerned, the financial assistance was extended to the son till he attained the age of 25 years. It is thereafter that the claim for financial assistance is raised by the appellant relying upon the provisions of the rules. The appellant is the mother o the deceased employee.

4. Learned senior counsel for the appellant has also placed reliance upon a Division Bench judgment of this Court in LPA-1434-2014, titled as ***'The State of Punjab and others Vs. Harpal Kaur'***, decided on 01.09.2014, wherein the Division Bench took note of the previous judgment rendered in CWP-3359-2008, decided on 03.07.2009, to hold as under:-

> *"Learned counsel for the appellants argued that even after the said judgment, in the State of Punjab, there is dichotomy about the interpretation of the aforesaid provisions. But we do not find any dichotomy in Punjab also, because the Punjab Civil Service Rules are exactly the same, and the situation as well as the facts and circumstances in Ram Dulari's case (supra) were also exactly the same. The reason is obvious. On*

> *the date of death of the deceased employee, his eligible dependents are to be identified, to whom the family pension is to be granted. If from the pre-deceased wife, children are there, they are eligible legal heirs and are entitled to get family pension till they attain the age of 25 years. In the instant case, son of the pre-deceased wife of the deceased employee being eligible legal heir was entitled to have family pension upto the date of his attaining the age of 25 years and thereafter, his share was to be restored or to be given to the remaining legal heirs of the deceased employee. In this case, widow of the deceased employee and her son survive and both of them are entitled to have family pension in equal shares. In any case, the State is liable to pay 100% family pension, which can be shared by any number of legal heirs of the deceased employee, but the State cannot retain the share of one legal heir on the ground that he has attained the age of 25 years and his right to have family pension has ceased. The family pension is an estate of the legal heirs of the deceased employee. The apportionment of the family pension of a deceased employee is not the business of the State. Right in the family pension will devolve according to the Hindu Succession Act, 1956. Thus, we do not find any illegality in the impugned order passed by the learned Single Judge."*

5. According to the counsel for the appellant, the right to receive financial assistance in favour of the legal heirs of the deceased-employee is unbridled and upon the son becoming 25 years, such right would devolve upon the mother. This view of the appellant, however, has been rejected by the learned Single Judge.

6. In our opinion, rightly so, and the reasons therefore are not far to seek.

7. Rule 4 (ii) defines 'family' for the purpose of pension/family pension scheme, 1964. It includes the parents of an unmarried officer in clause (f). The definition of family therefore clearly excludes the parents of a married officer. This is also reflected from clause 4 (iii) (c), as per which the parents who were wholly dependent upon the Government employee

when the employee was alive, upto the date of death provided the deceased employee had left behind neither a widow nor a child.

8. When the above clauses are read in conjunction, the intent becomes explicit, as per which the parents of a married officer/employee would not form part of the family, and admissibility to receive pension in favour of the parents would exist only when the employee had neither left behind a widow nor a child. In this case, the deceased-employee was not unmarried. She has left behind a son and a daughter. In such circumstances, the appellant, who is the mother of the deceased-employee, would not be included within the definition of 'family' and, therefore, the question of her acquiring the right to receive pension on the son attaining age of 25 years would not arise.

9. Since, we find that the appellant is otherwise not covered within the meaning of 'family' as defined under the rules, as such, the judgment of the Division Bench of this Court in the case of State Vs. Harpal Kaur (supra) would have no applicability. We, therefore, refrain from making any observations in this regard.

10. The appeal lacks merits and is dismissed.

11. Pending applications, if any, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

24.09.2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No