

**CWP-14390-2019****-1-**

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

206**CWP-14390-2019****Date of Decision: 13.08.2025****Sarita****...Petitioner****Versus****Union Territory, Chandigarh and others****...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Ms. Harshmir Kaur Swaitch, Advocate
for Mr. Narinder Singh Swaitch, Advocate for the petitioner
Ms. Madhu Dayal, Advocate and
Ms. Chetna Advocate for respondent No.1
Mr. Sanjiv Ghai, Advocate and
Mr. Parminder S. Kaul, Advocate for respondent Nos.2 to 4

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 10.08.2018 whereby she has been denied family pension. She is further seeking direction to respondents to appoint her on compassionate ground.
2. The petitioner's husband joined Municipal Corporation ('MC'), Chandigarh as Baildar on 28.01.2008. He passed away on 01.06.2012 while in harness. The petitioner being widow filed representation seeking family pension. She further sought compassionate appointment. The respondent has rejected her claims.
3. Learned counsel for the petitioner submits that petitioner's husband was appointed in 2008 and New Defined Contributory Pension



Scheme came into force from 2012, thus, her husband was covered under Old Pension Scheme. The respondent has further wrongly rejected petitioner's claim for compassionate appointment. The petitioner may be considered against post of Multi-Tasking Staff ('MTS'). As per policy, condition of education qualification, in case of compassionate appointment, may be waived off for the appointment of MTS.

4. Learned counsel for respondent Nos.2 to 4 submit that petitioner's husband was appointed after January' 2004 and there was no pension scheme after January' 2004 either in Chandigarh Administration or MC, Chandigarh. New Defined Contributory Pension Scheme came into force w.e.f. 22.10.2012, however, the petitioner's husband passed away before the said date, therefore, there was no contribution on his part towards the pension fund. The petitioner has been engaged as Helper through Outsourcing Agency on Deputy Commissioner ('DC') rate, thus, petitioner has been virtually accommodated. As per Compassionate Appointment Policy 2013, only Group 'C' employees can be appointed on compassionate ground. The petitioner being middle standard pass cannot be considered for Group 'C' post. As per said policy, an MTS may be appointed despite being non-qualified. The case of the petitioner was considered for the post of MTS, however, it was found by the Compassionate Appointment Committee that there was no post in MC, Chandigarh, thus, the petitioner could not be accommodated.

5. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.



6. From the perusal of record, it is evident that petitioner’s husband joined MC, Chandigarh in 2008 and passed away in 2012. He was neither part of Provident Fund Scheme nor New Defined Contributory Pension Scheme, thus, petitioner is not entitled to family pension. In the absence of Rules enjoining pension or family pension, this Court cannot ask the respondents to sanction pension or family pension.

7. The petitioner has been accommodated as Helper through Outsourcing Agency on DC rate and she is working with MC, Chandigarh.

8. In the backdrop, petition stands disposed of.

9. This Court is sanguine that MC, Chandigarh would continue to retain the petitioner in service unless and until her conduct is found unbecoming of an employee.

(JAGMOHAN BANSAL)
JUDGE

13.08.2025
Mohit Kumar

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