

“The petitioner has sought indulgence of this Court through writ in the nature of mandamus for granting the pay-scale of Rs.1200-2040/- w.e.f. 18.04.1994 and refixation of family pension and as well as grant of arrears.

During the pendency of the writ petition, the State has filed affidavit dated 09.03.2015, wherein it has been admitted that case for grant of technical pay-scale, to Ashwani Kumar, i.e. the husband of the petitioner, has been approved by the State Government and pay has also been fixed by the office of Superintendent of Police, Bhiwani. However, the process for revision of family pension as per the revised technical pay-scale though has been initiated but sent for final approval to the Finance Department.

In pursuance to the observation recorded in the order dated 26.03.2015, Mr. Rajneesh Chadwal, DAG, Haryana submits that intimation has been received from the office of Superintendent of Police, Bhiwani for seeking adjournment so that direction can be complied with.

Keeping in view the aforesaid facts, I deem it appropriate to direct respondent No.2 to obtain the necessary approval from the Finance Department for fixation of the family pension for the purpose of fixation of notional pay from the office of Principal Accountant General (A&E) Haryana as expeditiously as possible within a period of two months from the date of receipt of certified copy of the order.

As regards the claim of compassionate appointment/employment, the matter is adjourned to 30.10.2015 for further consideration.”

3. The petitioner during the pendency of instant petition preferred **CM No.5571 of 2016** seeking direction to restrain the respondent from reducing her pension from Rs.9,970/- to Rs.5,665/-.

Order dated 12.05.2016 was passed in the said application reads as:

“Through the present application, directions are sought to restrain the respondents from reducing the pension of the petitioner from Rs.9970/- to Rs.5665/-.

Let notice of this application be issued to the counsel for the non-applicants/respondents for 08.08.2016, the date already fixed in the main case.

In the meanwhile, it is directed that the petitioner would be released pension @ Rs.9970/- per month after the petitioner has submitted an undertaking both to the Bank through which her pension is being released as also the respondent-State that in the event of her writ petition having been dismissed, she would refund the entire excess amount of pension released in her favour.”

4. On 15.03.2023, the following order was passed:

“Admittedly, benefit of technical pay scale was granted to the husband of the petitioner after his death on 03.08.2004. The husband of the petitioner was appointed as Constable Draftsman on 18.04.1994. He was discharged from service under Rule 12.21 of the Punjab Police Rules vide order dated 11.04.1996. The husband of the petitioner filed a civil suit against the order of discharge dated 11.04.1996. The suit was decreed vide judgment and decree dated 13.02.2004. In appeal filed by the respondents-State, the same was allowed by the Lower Appellate Court vide judgment and decree dated 21.04.2004 and the judgment and decree of the trial Court was set aside. The husband of the petitioner unfortunately expired in a road accident on 03.08.2004 and thereafter, Regular Second Appeal was filed by the petitioner against the judgment and decree of the Lower Appellate Court. RSA No.2375 of 2005 was allowed by the High Court and the judgment/decreed of the trial Court was restored. The respondents-State remained unsuccessful in SLP against the order dated 15.05.2007 passed in the aforesaid RSA and SLP was dismissed on 24.01.2011. The family pension of the petitioner was granted on 10.04.2012.

Learned State counsel may apprise this Court the difference between the calculations in respect of family pension on original pay scale of the husband of the petitioner and revision thereof and the calculations based on technical pay scale as applicable to the husband of the petitioner on the date of his appointment and revision thereof by the next date of hearing.

Adjourned to 11.04.2023.”

5. In compliance of aforesaid order, the respondent produced statement depicting entitlement of petitioner, actual payment made to her and enhancement made by respondent from time to time. The same is taken on record.

6. From the perusal of statement, it is evident that petitioner was granted benefit of 6th Pay Commission as well as 7th Pay Commission. As per 7th Pay Commission which was made effective w.e.f. 01.01.2016, the petitioner was entitled to family pension of Rs.9,000/- per month. She at present is getting family pension of Rs.11,113/-.

7. Learned counsel representing the petitioner on being confronted with aforesaid statement submits that grievance of the petitioner would be redressed if no recovery with respect to past payment is made from her and she has no objection if her family pension is fixed at Rs.9,000/- per month.

8. Mr. Shashank Bhandari, Addl. A.G., Haryana submits that petitioner is entitled to pension of Rs.9,000/- per month, thus, her pension should be reduced to actual entitlement. She is wrongly getting higher pension on account of interim orders passed by this Court.

9. Litigation is pending before this Court since 2012. The petitioner on account of multiple interim orders passed by this Court is

getting pension which was attempted to be reduced by respondent at one or another occasion. At one point of time, pension was substantially reduced.

10. Considering the fact that petitioner is widow and pursuing litigation for last 13 years, this Court finds it appropriate to direct the respondent not to effect recovery with respect to excess payment, if any, made in past. The petitioner from today shall be entitled to family pension of Rs.9,000/- per month which is her actual entitlement.

11. ***Disposed of.***

12. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

29.07.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No