



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

**RSA-568-2006 (O&M)
Reserved on: 14.10.2025
Pronounced on : 29.11.2025
Uploaded On: 29.11.2025**

Hry. Vidyut Parsaran Nigam Ltd. & Ors.

... Appellants

Versus

Santro Devi

... Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Arvind Seth, Advocate
for the appellants.

Mr. Manoj Sharma, Advocate
for the respondent.

* * * *

SUDEEPTI SHARMA, J. (Oral)

1. The present regular second appeal is preferred against judgment and decree dated 02.06.2005 passed by Additional Civil Judge (Sr. Division), Gohana, whereby, civil suit filed by the respondent was decreed in her favour and judgment and decree dated 05.11.2005 passed by Additional District Judge, Sonapat, whereby, the appeal filed by the appellants against judgment and decree dated 02.06.2005 was dismissed.

Vide order dated 03.02.2006, execution of decree under appeal was stayed by this Court.

2. Brief facts of the case are that father-in-law – Giani Ram of respondent was employed as Assistant Lineman in Haryana Electricity Board which has now been taken over by Haryana Vidyut Prasaran Nigam Limited. Sh. Giani Ram died in harness and consequent upon his death, his



son namely Jai Bhagwan (husband of respondent) was given employment on compassionate ground and he also died in harness on 07.12.1991 and after his death, respondent was given employment on compassionate grounds. She was employed as Mali in Haryana Vidyut Prasaran Nigam Limited and was posted in the office of XEN, Gohana, Sonapat. As per rules, after the death of deceased employee his/her successor in interest are entitled to family pension. Respondent being widow of Jai Bhagwan approached the appellant for grant of family pension to her on account of death of her husband-Sh. Jai Bhagwan. Respondent approached the appellants from time to time for grant of family pension but the same was not granted to her despite repeated requests. Therefore, she filed civil suit for mandatory injunction which was decreed in her favour vide judgment and decree dated 02.06.2005, passed by Additional Civil Judge (Sr. Division), Gohana. Appellants filed appeal against judgment and decree dated 02.06.2005 before Additional District Judge, Sonapat, whereby, the appeal was dismissed vide judgment and decree dated 05.11.2005. Hence, the present regular second appeal.

3. Learned counsel for the appellants contends that learned trial Court did not frame proper and necessary issues arising out of pleadings. Both the Courts failed to appreciate that the respondent is not entitled to family pension. He further contends that respondent was appointed as Gardner on compassionate ground and thereafter, was regularized. After her retirement, she is now getting pension. Therefore, the present appeal be allowed.



4. *Per contra*, learned counsel for the respondent contends that the civil suit is rightly decreed in her favour and the appeal filed by the appellant is rightly dismissed. He therefore, prays that the present appeal be dismissed.

5. Learned counsel for the respondent relies on the following judgments to support his case:-

- i) **Smt. Sarla Devi Vs. Uttar Haryana Bijli Vitran Nigam Limited and others; 2006(4) S.C.T. 560**
- ii) **Sharmila Devi Vs. Uttar Haryana Bijli Vitran Nigam Limited; 2002(4) S.C.T. 178**
- iii) **Vidya Devi Vs. HVPNL and others; 2007(2) S.C.T. 211**

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

7. Admittedly, respondent was appointed as Gardner with appellants on compassionate ground, on the demise of her husband-Jai Bhagwan, who joined the service on daily wages on 02.02.1981 and died on 07.12.1991, after putting in more than two years of service. Further deceased-Jai Bhagwan, husband of respondent, was inducted in the service on compassionate ground upon the death of his father, who also died in harness on 16.09.1986.

8. Learned trial Court decreed the suit of respondent and did not appreciate the reply filed by the appellants wherein, it was specifically stated that deceased-Jai Bhagwan had put in service for two years and at the time of his death he was serving as daily wager. Therefore, respondent is not entitled for any family pension.

9. Further, learned First Appellate Court wrongly held that the person who is working continuously for 2-3 years is presumed to be regular.



Since, the husband of respondent was never regularized, therefore, she could not be held entitled to family pension.

10. Hon'ble Supreme Court in ***Uttar Haryana Bijli Vitran Nigam Ltd. and Others Vs. Surji Devi; 2008(1) S.C.T. 656*** held that family pension cannot be granted in cases where deceased employee was appointed on work-charge basis and was never regularized. The relevant portion of ***Surji Devi's*** case (supra) is reproduced 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 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.”

11. In view of the above, it is settled law that family pension can be granted to the widow/dependents only in case the deceased employee is regularized.

12. In view of the above, the regular second appeal is **allowed**. Judgment and decree dated 02.06.2005 passed by Additional Civil Judge (Sr. Division), Gohana and judgment and decree dated 05.11.2005 passed by Additional District Judge, Sonapat are set aside.

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

29.11.2025

(SUDEEPTI SHARMA)

Saahil

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No