

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

106

CWP-22236-2017

Date of Decision : November 20, 2025

LALI DEVI

-PETITIONER

V/S

**SENIOR REGIONAL PROVIDENT FUND COMMISSIONER AND
OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Simranjeet Singh Sarwara, Advocate
for the petitioner.

Mr. Rajesh Hooda, Advocate
for the respondent No.1.

KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition assails the order/letter dated 20.11.2014, whereby the respondent No.1- Senior Regional Provident Fund Commissioner, Regional Provident Fund Office, Chandigarh, has rejected the petitioner's claim for family pension.

2. Learned counsel for the petitioner, relying upon Paragraph 16 of the Employees' Pension Scheme, 1995 (hereinafter "the Pension Scheme"), contends that since the petitioner's husband had deposited one month's contribution into the Employees' Pension Fund, the petitioner is entitled to family pension after her husband's demise.

3. Conversely, learned counsel for the respondent No.1 submits that, as per departmental records, the contribution made by the petitioner's husband was less than three months, rendering the petitioner ineligible for pension. It is submitted that the petitioner was accordingly paid withdrawal benefits under the Employees' Family Pension Scheme, 1971, amounting to ₹ 118/-, on 21.12.2002

vide Cheque No. 664135. Attention is also invited to the tabulation reproduced hereinbelow, reflecting the contributions received in respect of the petitioner’s husband.

Period	Paid on	Employees Contribution	Employers Contribution	Pension withdrawal benefits
January, 1988	Paid in February, 1988	326	326	58
February, 1988	Paid in March, 1988	330	330	58
	Total	656	656	118

4. Learned counsel for the respondent No.1 further submits that the petitioner again applied for withdrawal of provident fund and pension in the year 2002, and the claim was settled for provident fund payment of ₹ 6482/- after crediting interest from 1989 till payment. This payment was made through cheque No. 729505 dated 07.10.2002. It is lastly contended that since the petitioner’s husband was not in service at the time of his death, Paragraph 16 of the Pension Scheme has no application, and the petitioner is therefore not entitled to family pension.

5. This Court has heard learned counsel for the parties and carefully examined the record.

6. Before proceeding to gauge the validity of the impugned order/letter and evincing any opinion regarding the petitioner’s entitlement to pension benefits, it is deemed imperative to first examine Paragraph 16 of the Pension Scheme, as the petitioner has anchored her case solely thereon and hence it constitutes the core of the present case. The relevant portion of Paragraph 16 reads as under:-

*“16. Benefits to the family on the death of a member. - (1) Pension to the family shall be admissible from the date following the date of death of the member if the member dies -
(a) while in service, provided that at least one month's*

*contribution has been paid into the Employees' Pension Fund, or
(b) after the date of exit but before attaining the age of 58, from
the employment having rendered service entitling him/her to
monthly member's pension but before the commencement of
pension payment or*

*(c) after commencement of payment of the monthly member's
pension.*

*Note : - The cases where a member has rendered less than 10
years eligible service on the date of exit but has retained the
membership of the Pension Fund, and dies before attaining the
age of 58 years, shall be regulated under sub-paragraph (8) of
paragraph 12.*

XX

XX

XX”

7. The hereinabove extracted Sub-paragraph (1) and clause (a) makes it evident that family pension is admissible from the day following the date of death of a member only if the member dies while in service, and provided that at least one month's contribution has been remitted into the Employees' Pension Fund.

8. In the present case, it is undisputed that the petitioner's husband was not in service at the time of his death. It is also not disputed that the total contribution made by him to the Employees' Pension Fund was less than three months. In these circumstances, the petitioner cannot derive any benefit from Paragraph 16 of the Pension Scheme to claim family pension.

9. In summa, the instant writ petition is devoid of merit and is accordingly **dismissed**.

November 20, 2025
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(KULDEEP TIWARI)
JUDGE

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