

2025:PHHC:044986



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

212

CWP-5286-2017
Date of Decision: 02.04.2025

LABH KAUR

... Petitioner

VERSUS

UNION OF INDIA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Hardeep Singh Dhillon, Advocate
for the petitioner.

Mr. Vipul Aggarwal, Sr. Panel Counsel
for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the communications dated 16.01.1998 (Annexure P-5) and 03.01.2017 (Annexure P-12) issued by respondent No.4, with a further prayer to direct the respondents to release family pension alongwith arrears to the petitioner on account of unfortunate and untimely death of her husband Surjan Singh, who died in harness on 08.12.1966.

Learned counsel for the petitioner contends that the late husband of the petitioner, Surjan Singh (GS No.108452 Cook), was appointed in GREF in the year 1962 initially on temporary basis for a probation period of two years according to the applicability of Basic Rules for GREF and thereafter, the probation period was extended. The services of petitioner's husband were confirmed on 30.09.1966 by the Competent Authority. However, the husband of

the petitioner died on 08.12.1966 while executing the duties of GREF during the period of his active service. He contends that on account of death of late Surjan Singh in 1966, the petitioner became entitled to family pension from the period as applicable, but a composite amount of Rs.7,000/- was released to the petitioner. The petitioner, being an illiterate woman, did not have the means to pursue her claim any further, but she sent a representation to the respondent-Authorities on 01.11.1987 for release of the family pension. She waited for a period of ten years for receiving a reply against the said representation dated 01.11.1987 but as no reply was sent, a representation was again submitted by her to the Secretary to the President of India on 30.07.1997 for seeking assistance. The said representation was forwarded by the Presidential Secretariat to the Ministry of Defence. In the meantime, the petitioner received a letter on 16.01.1998 from the respondent in reference to her representation dated 01.11.1987 vide which the claim of the petitioner for family pension was declined. The second communication on the letter down-marked by the Presidential Secretariat was also received by the petitioner on 29.01.1998. The petitioner, however, continued to wait for assistance from respondents No.2 to 4 and sent a legal notice dated 23.09.2016. The response thereto was received by the petitioner on 01.10.2016 stating that all admissible dues have already been released in favour of the petitioner. A second legal notice dated 01.11.2016 was thereafter sent by the petitioner followed by receipt of reply dated 03.01.2017, communicating that the claim of the petitioner stands declined for want of merit.

Learned counsel for the petitioner contends that the pensionary awards contained in the Record Office Instructions of 1998 of GREF prescribes that the GREF personnel are governed by CCS (Pension) Rules, 1972 and hence,

family pension became admissible to them in the year 1964. Her husband having died in 1966, the petitioner was thus entitled to the grant of family pension and that the same has been wrongfully declined.

Counsel for the respondents, on the other hand, raised a preliminary objection that even though late Surjan Singh died in the year 1966, the instant petition has been filed in the year 2017 i.e. after a lapse of more than 50 years. On merits, he further contends that GREF was functional purely on temporary basis and was non-pensionable till 19.11.1969. Hence, the reference made by counsel for the petitioner to the CCS (Pension) Rules, 1972 is immaterial. The permanency of GREF having come into force w.e.f. 20.11.1969 vide notification of even date, the applicability of the Rules of 1972 could not be made retrospective. He further contends that the statutory provisions, as notified and indicating the date of applicability w.e.f. 20.11.1969 to the GREF personnel, are not a subject matter of challenge in the present petition. Hence, the said specific clause applicable to the GREF personnel cannot be made subject to the General Clauses of the CCS (Pension) Rules 1972. Since the benefit of pension was not available as on 08.12.1966 i.e. at the time of death of Surjan Singh, the claim of the petitioner for grant of family pension has rightly been declined.

I have heard the learned counsel for the respective parties and have gone through the documents and other material available on record with their able assistance.

It has remained undisputed that Surjan Singh had died on 08.12.1966 in harness while performing duties of GREF. The pensionary claims of Civilian Government Servants had been extended to the GREF personnel with effect from 20.11.1969. The relevant part thereof reads thus:

“3.1 GREF PERSONNEL (Pensionable with effect from 20.11.1969): - Permanent members of the General Reserve Engineer Force, other than deputationist will be eligible for retirement benefits under the Rules applicable to the corresponding categories of the civilians in Defence services with effect from 20/11/1969.”

The aforesaid notification issued under the authority of Ministry of Shipping and Transport Border Roads Development Board Memo No.F.81(i)/1964-pers dated 20th November, 1969 extending the benefit of pension to the GREF personnel from 20.11.1969 is not a subject matter of challenge in the present writ petition.

I further find force in the submissions advanced by the counsel for the respondents that the governing provisions of the CCS (Pension) Rules, 1972 as applicable to other Defence Personnel cannot supersede the specific extension of the benefit of pension in favour of GREF Personnel w.e.f. 20.11.1969. Since Surjan Singh had passed away on 08.12.1966, hence the Rules of 1972 (supra), under which the petitioner is claiming the benefit of family pension, were not applicable to the said category.

Hence, for the foregoing reasons, the instant writ petition is devoid of merits and the same is accordingly dismissed.

APRIL 02, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No