



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

218

CWP-32572-2024

Date of Decision: 20.11.2025

Bharat Sanchar Nigam Limited (BSNL)**....Petitioner****Versus****Presiding Officer, Central Administrative Tribunal and another****....Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Ms. Anita Sharma, Advocate
for the petitioner.

Mr. Harish Chandra, Advocate
for respondent No.2.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 20.05.2024 (Annexure P-1) passed by respondent No.1 – Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as ‘the Tribunal’), by which, the benefit of family pension has been extended to the widow of an employee, who had worked for a period of 23 years with the petitioner.

2. The learned counsel for the petitioner argues that though, the claim of the husband of respondent No.2 was under consideration for regularization by petitioner company – BSNL but, the said consideration was only finalized in the year 2000 after the death of the husband of respondent No.2, wherein her husband was found meritorious enough for regularization of



his services but, before actually orders could be passed, he had unfortunately died on 28.11.1999.

3. Learned counsel for the petitioner submits that in case before the regularization orders were actually passed, the husband of respondent No.2 died on 28.11.1999, the grant of benefit of family pension which is admissible only after the death of a regular employee, has wrongly been granted by the Tribunal in favour of the respondent and therefore, the order dated 20.05.2024 passed by the Tribunal, may kindly be set aside.

4. Further, learned counsel for the petitioner submits that as a compassionate appointment has been given to respondent No.2, her claim for the grant of family pension is otherwise not admissible.

5. On the other hand, the learned counsel appearing on behalf of respondent No.2 submits that once the husband of respondent No.2 had worked for a period of 23 years and on the date he died, his claim for regularization was under consideration, as husband of respondent No.2 had already completed 10 years on 31.03.1999 as Temporary Status Mazdoor and vide order dated 06.04.2000 (Annexure A-1), he has been approved for regularization, vide DPC held on 29.03.2000, which consideration was only finalized after the death of husband of respondent No.2, wherein also he was found suitable for regularization of his services, the grant of benefit of family pension by the Tribunal in the facts and circumstances of the present case is perfectly valid.

6. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

7. In the present petition, it is a conceded fact that the husband of



respondent No.2 had worked for 23 years before he unfortunately died while in service. It is also a conceded position that prior to the death of husband of respondent No.2, his claim for regularization along with the other similarly situated was already under consideration, in which consideration, her husband was found entitled for regularization.

8. Once, the husband of respondent No.2 was found entitled for regularization of his services, and the said order merely could not be implemented as before implementation of the said order, the husband of respondent No.2 had died, treating her husband as a regular employee so as to grant the family pension to the respondent No.2, is perfectly valid and legal.

9. In some what similar cases, in the case of ***Prem Singh vs. State of Uttar Pradesh and others, 2019 (10) SCC 516***, the Hon'ble Supreme Court of India has held that where an employee has worked for more than two decades, even if such employee has attained the age of superannuation, on the date of superannuation, such employee should be treated as a regular employee so that he/she can be granted pensionary benefit. The relevant paragraph 30 of the said judgment is as under:

30. In the aforesaid facts and circumstances, it was unfair on the part of the State Government and its officials to take work from the employees on the work-charged basis. They ought to have resorted to an appointment on regular basis. The taking of work on the work- charged basis for long amounts to adopting the exploitative device. Later on, though their services have been regularized. However, the period spent by them in the work-charged establishment has not been counted towards the qualifying service. Thus, they have not only been deprived of their due emoluments during the period they served on less salary in



work charged establishment but have also been deprived of counting of the period for pensionary benefits as if no services had been rendered by them. The State has been benefitted by the services rendered by them in the heydays of their life on less salary in work- charged establishment.

10. In the present case, while applying the above mentioned law, the husband of respondent No.2 on the date of his death was having more than 2 decades of his service. Further, the claim of regularization was under consideration, vide order dated 06.04.2000, after DPC meeting and consideration was finished in favour of the husband of respondent No.2 to be regularized but actual orders of regularization could not be passed as the husband of respondent No.2 unfortunately died before the same. Under these circumstances, the husband of respondent No.2 is required to be treated as a regular employee on the date of death for all intends and purposes.

11. Even otherwise, it is a conceded position that a compassionate appointment has been given to respondent No.2. The compassionate appointment is only given to the legal heirs of a regular employee hence, once for a compassionate appointment, her husband was being treated as a regular employee in the year 2000. Thus, the non-grant of the family pension, is totally arbitrary and illegal.

12. At this stage, learned counsel for the petitioner submits that there is a delay of 23 years in approaching to claim the relief.

13. An illiterate lady, who does not know her rights, cannot be made to suffer. Further, as per the settled principle of law to claim pension, delay cannot be brought as a ground to deny the same. The law in this issue is settled by the Hon'ble Supreme Court of India in ***Union of India and another***



vs. Tarsem Singh, 2008 (8) SCC 648. Relevant paragraph 5 of the judgment is as under:-

“5. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the re-opening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or re-fixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. In so far as the consequential relief of recovery of arrears for a past period, the principles relating to recurring/successive wrongs will apply. As a consequence, High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

14. Keeping in view the above, even the ground of delay and laches being projected to deny a legitimate claim of a widow, cannot be accepted.

15. No other argument has been raised.

**CWP-32572-2024**

-: 6 :-

16. Keeping in view the totality of the circumstances, the grant of benefit of family pension in favour of respondent No.2, keeping in view the facts and circumstances of the present case coupled with law cited hereinbefore is perfectly valid and legal.

17. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

18. Accordingly, the writ petition is dismissed.

19. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

November 20, 2025*Varinder*

Whether speaking/reasoned : Yes

Whether reportable : No