



2025:DHC:10344-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 21.11.2025

+ W.P.(C) 11324/2023 & CM APPL. 44008/2023, CM APPL.
4318/2025
UNION OF INDIA

.....Petitioner

Through: Mr.Ankit Raj, SPC for UOI
with Mr.Ali Mohammed Khan,
Mr.Digvijay Singh &
Mr.Vikram Kumar, Advs.

versus

SMT MAYA DEVI

.....Respondent

Through: Mr.Deepak Verma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed, challenging the Order dated 22.09.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, the 'Tribunal') in O.A. No. 2294/2018, titled *Maya Devi, w/o Late Yashpal Singh v. The Secretary, Ministry of Communication, Dept. of Posts & Ors.*, allowing the said O.A. filed by the respondent herein, with the following directions:

“9. In the light of the above, the present OA



is allowed to the extent that the applicant shall be entitled to the family pension and arrears confined to three years prior to filing this OA. It is further directed that the consequential order for grant of family pension with consequential benefits be passed by the respondents within a period of two months from the date of receipt of a certified copy of this order failing which the applicant shall be entitled to interest at the rate of GPF. Needless to say that the family pension with consequential benefits be granted as per rule position and strictly in accordance with law. ”

2. To give a brief background of the facts in which the present petition arises, the husband of the respondent, Late Shri Yashpal Singh, was engaged as a casual labourer (sweeper) with the petitioner and was granted temporary status *vide* Order dated 16.08.1991 with effect from 29.11.1989. He was later granted temporary status at par with Group-D employees of the petitioner on 29.12.1992. He unfortunately died in harness on 06.12.2004, before being regularized in service.
3. Though the son of the respondent was appointed on daily wages in January 2005, his services were terminated on 18.03.2018, and he was informed that his case for compassionate appointment could not be considered, as Late Shri Yashpal Singh was not a regular employee.
4. Shri Arun Kumar filed an O.A. before the learned Tribunal, being O.A. No. 1829/2018, however, the same was dismissed by the learned Tribunal *vide* order dated 03.09.2019.
5. In the meantime, the respondent filed the present O.A., that is,



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O.A. No. 2994/2018, seeking release of family pension and other terminal benefits due to her upon the demise of her late husband. As noted above, the learned Tribunal allowed the O.A. by granting partial relief to the respondent *vide* the Impugned Order dated 22.09.2022.

6. The learned counsel for the petitioner submits that the learned Tribunal failed to appreciate that the Central Civil Services (Pension) Rules, 1972 [in short, 'CCS (Pension) Rules'], in view of Rule 2(b) thereof, are not applicable to persons in casual or daily rated employment. He further submits that the respondent was granted temporary status in accordance with the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, issued by the Ministry of Communications, Department of Posts, *vide* circular No. 45-95/87-SPB-1 dated 12.04.1991. Clause 6 of the Scheme provides that 50% of the service rendered under temporary status would be counted for retirement benefits only after regularization of the employee as a Group-D official. Clause 7 stipulates that conferment of temporary status does not automatically imply that the casual labourers would be appointed as regular Group-D employees within any fixed time frame. Clause 16 further provides that the conferment of temporary status has no relation to the availability of sanctioned regular Group-D posts.

7. The learned counsel for the petitioner also places reliance on the circular relating to the grant of temporary status and regularization of casual workers issued *vide* OM No. 51016/2/90 Estt. (C) dated 10.09.1993 by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), to submit that the



said scheme, though it is not applicable to the petitioner, however, provides the same. He submits that in view thereof, the learned Tribunal has erred in granting the benefit of family pension to the respondent.

8. On the other hand, the learned counsel for the respondent submits that the issues raised by the petitioner are no longer *res integra*. Placing reliance on the Judgment of this Court in W.P.(C) No. 5907/2017, titled ***Union of India & Ors. v. Munni Devi***, 2020:DHC:12-DB, he submits that this Court has held that when a temporary government servant dies in harness, his family will be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent Central Civilian Government Servants under the CCS (Pension) Rules. In support, he also places reliance on Rule 10(2) of the CCS (Temporary Service) Rules, 1965, which reads as under:

“In the event of death of a temporary Govt. servant while in service, his family shall be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent Central Civilian Government servants under the Central Civil Services (Pension) Rules, 1972;”

9. We have considered the submissions made by the learned counsels for the parties.

10. In ***Munni Devi*** (supra), this Court considered a petition based on similar facts wherein the husband of the respondent therein had been granted temporary status with effect from 29.11.1989 and had



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died in harness on 23.09.2004 before being regularized in service. This Court, placing reliance on the earlier Judgment of this Court in *Sharda Devi v. Union of India & Ors.*, 2013:DHC:2055-DB, Rule 10(2) of the CCS (Temporary Service) Rules, the Judgment in *Jagrit Mazdoor Union (Regd.) & Ors. v. Mahanagar Telephone Nigam Limited & Anr.*, 1989 SCC OnLine SC 430, and of the Allahabad High Court in *Union of India & Ors. v. Shyam Lal Shukla*, 2011:AHC:175055-DB and other set of Judgments, held that where a temporary Government servant dies in service, his legal heirs are entitled to family pension.

11. Given the above Judgment in *Munni Devi* (supra), with which we are not only bound but also fully agree, we see no merit in the challenge of the petitioner to the Impugned Order passed by the learned Tribunal.

12. Accordingly, the present petition, along with the pending applications, is dismissed.

13. The petitioner shall release the dues of the respondent in terms of the Impugned Order of the learned Tribunal within a period of eight weeks from today, along with interest at the rate of 6% per annum.

14. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 21, 2025/rv/Yg