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

\+ W.P.(C) 12243/2019

ANJU KOSHAL .....Petitioner

Through: Mr. Awadh Bihari Kaushik, Advocate.

versus

GOVERNMENT OF NCT OF DELHI AND ORS. .....Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel for GNCTD with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Mohnish Sehrawat & Mr. Amitoj Chadha, Advocates for R-1 & 2.
Mr. Abhay Kumar, Mr. Shagun Ruhil, Mr. Karan Chopra, Advocates for R-3 with Mr. Amit Singh, AGM (Legal), TPDDL

CORAM:
HON'BLE MR. JUSTICE PRATEEK JALAN

O R D E R

% 29.04.2025

1. The petitioner has filed this writ petition under Article 226 of the Constitution seeking payment of family pension under the Delhi Vidyut Board Employees Terminal Benefit Fund, 2002, on account of the employment of her late father, Mr. Jag Mohan Koshal, with the erstwhile Delhi Vidyut Board ["DVB"].

2. It is the case of the petitioner that her late father was in the service of DVB and retired on 30.04.1992. He received pension until he passed away on 22.05.2005. He was survived by his wife, Smt. Hardesh Koshal,

two sons, and one daughter, being the petitioner herein. After the death of Mr. Jag Mohan Koshal, the petitioner's mother received family pension until her death on 12.02.2018.

3. In the meanwhile, DVB was unbundled and its operations were transferred to private entities with effect from 01.07.2002. The respondent No. 3 – Tata Power Delhi Distribution Limited, is the successor to erstwhile DVB, for the purposes of the present proceedings.

4. The petitioner's claim is that, as the unmarried daughter of the late Mr. Jag Mohan Koshal, she is entitled to family pension after her mother's death.

5. I have heard Mr. Awadh Bihari Kaushik, learned counsel for the petitioner, Ms. Aliza Alam, learned counsel for respondent Nos. 1 and 2 and Mr. Abhay Kumar, learned counsel for respondent No. 3.

6. At the time of unbundling, family pension was payable to families of DVB employees, under Rule 54(6) of the Central Civil Services (Pension) Rules, 1972, which were then in force. The Rule provided for payment of family pension first to the widow/widower of the employee until their death or remarriage, and thereafter to a son until the age of 25 years, and to an unmarried daughter until she attained the age of 25 years or until her marriage, whichever is earlier.

7. The petitioner's claim relates to a period after she has attained the age of 25 years, and is, therefore, not expressly covered by the aforesaid Rules. However, Mr. Kaushik relies upon two Office Memoranda issued by the Department of Pension and Pensioners' Welfare, Ministry of Personnel, Government of India, which extend the scope of family pension to the unmarried daughters of Central Government

servant/pensioners. The first Office Memorandum ["OM"] dated 06.09.2007 provides that family pension would be payable to unmarried daughters of Government servant or pensioners, even after attaining the age of 25 years, at par with widow or divorced daughters. The second OM dated 28.04.2011 reiterates the contents of the aforesaid OM.

8. Learned counsel for the respondents, however, submits that these OMs issued after the unbundling of DVB into private organisations are not applicable to the petitioner's case. A direct judgment of this Court dated 26.10.2018 in W.P.(C) 4437/2014 [*Mamta vs. Delhi Transco Ltd. & Anr.*] has been cited. In that case, the petitioner, a divorced daughter of an employee of Delhi Transco Ltd, sought family pension relying upon an Office Memorandum dated 25.08.2014. Relying upon an earlier judgment in the case of *Rajiv Kumar Garg v. BSES Rajdhani Power Limited*, W.P.(C) 1828/2013, this Court held that modifications in the Government of India Rules do not automatically apply to employees of the DVB after its unbundling.

9. As in the case of *Mamta* (supra), in the present case too, the Office Memoranda issued by the Government of India have not been adopted by the respondents. Following the judgment in *Mamta* (supra), I am of the view that the relief sought by the petitioner cannot be granted.

10. The writ petition is, therefore, dismissed.

PRATEEK JALAN, J

APRIL 29, 2025/*'pv'/SD/*