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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-6539-2026 (O&M)
Date of decision: 06.03.2026

Kiran Bala

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sunil Bhardwaj, Advocate
for the petitioner.

Mr. Vikrant Pamboo, Addl. AG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 01.04.2025 (Annexure P-5), vide which family pension was declined to the petitioner and further to issue a writ in the nature of *mandamus* directing the respondents to grant family pension to her in view of instructions dated 01.01.2014 (Annexure P-6) issued by the Government of Haryana.

2. Learned counsel for the petitioner, *inter alia*, contends that father of the petitioner, namely Panju Ram, was a retired employee of the



respondent-Society and was getting the pension. However, he expired on 04.03.2023, as discernible from his death certificate dated 06.03.2023 (Annexure P-1). Consequent upon his death, mother of the petitioner became eligible and she was granted family pension and she also expired on 13.02.2024, which is evident from her death certificate dated 15.03.2024 (Annexure P-2). Further, the petitioner was solely dependent on her mother and after death of her husband on 31.03.2024 (Annexure P-3), she has the responsibility of upbringing of her two minor children. As such, the petitioner is in dire need of pensionary benefits for the sustenance of herself and her minor children. The petitioner submitted a representation (Annexure P-4) claiming family pension being widow daughter of the deceased employee. However, respondent No.3, vide impugned order dated 01.04.2025 (Annexure P-5), rejected her claim on the ground that widow daughter is eligible for family pension, only if she becomes widow before the date, on which the last eligible family member dies. As such, rejection of claim of the petitioner is contrary to the notification/instructions dated 01.01.2014 (Annexure P-6) issued by the Government of Haryana, under which she fulfills all the eligibility criteria for family pension being widowed daughter of the deceased employee. Learned counsel for the petitioner relies upon a judgment dated 28.05.2024 passed by the Coordinate Bench of this Court in **CWP-27707-2019** titled as **Ambika Vs. State of Haryana and others**.

3. *Per contra*, learned State counsel submits that as per Rule 8(10) (B)(iv) of Haryana Civil Services (Pension) Rules, 2016, the petitioner is not



entitled to family pension. As such, her claim has rightly been rejected vide impugned order dated 01.04.2025 (Annexure P-5).

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that after death of father of the petitioner, her mother was getting family pension. Further, she also expired on 13.02.2024, at that time, the petitioner was not dependent upon her mother as her husband was alive. As such, in terms of instructions dated 01.01.2014 (Annexure P-6), the petitioner is not entitled to family pension.

5. Further, this Court has already considered the instructions dated 01.01.2014 (Annexure P-6) issued by the Government of Haryana and settled the controversy in **CWP-2009-2026** titled as **Raj Rani Vs. State of Haryana and others**, decided on 27.01.2026, wherein the following observations have been made: -

“5. I have heard learned counsel for the parties and have perused the case file with their able assistance. Upon such consideration, it emerges that the mother of the petitioner expired on 03.06.2021, whereas the petitioner’s husband expired subsequently on 14.11.2023. A perusal of the Government instructions dated 01.01.2014 (Annexure P-5) clearly indicates that a widowed daughter, having no source of income at the time of death of the family pensioner, may be granted family pension. In the present case, the petitioner’s mother, who was the family pensioner, died on 03.06.2021, and admittedly, the petitioner’s husband was alive on that date and expired only on 14.11.2023. The relevant extract of the Government instructions (Annexure P-



5) reads as under:-

“2. Sometime past the issue has been received in Finance Department for further clarification in r/o family pension to widowed/divorced daughter. After due consideration, in reference to Rule 14 of Haryana Civil Services (Revised Pension) Rules, 2009 and earlier clarification issued vide No.2/53/2009-1 Pension dated 26.4.2010, it is further clarified that the family pension will be payable to widowed/divorced daughter if she fulfills all the eligibility conditions at the time of death of government servant or his/her spouse, whichever is later provided she is still eligible for family pension when her turn comes. The family pension will continue only till she remarries or starts earning her livelihood equal to or more than the sum of minimum family pension and dearness relief thereon.

The position is illustrated through an example Sh. X a Pensioner died in 1985. He was survived by his wife, Smt. Y, a son Shri Z and a daughter, Kumari E the daughter being the younger, Kumari E married in 1989 and got widowed in 1995. Smt. Y died in 2000. Thereafter Shri Z (son) was getting family pension being disabled and died in 2002. Thereafter, the family pension was stopped as Kumari E was not eligible for it at that time. She applied for family pension on the basis of Haryana Civil Services (Revised Pension) Rules, 2009. Since she was a widow and had no independent source of income at the time of death of her mother (family pensioner) and on the date her turn came, she may be granted family pension.”

Further, the reliance placed by the petitioner on the grant of family pension to one Smt. Sharda Rani (Annexure P-7) is



wholly misplaced and clearly distinguishable on facts. In the said case, the eligibility conditions as prescribed under the applicable Rules and Government instructions stood satisfied, whereas in the present case, the petitioner does not fulfill the essential requirement under the Government instructions dated 01.01.2014. Therefore, no parity can be claimed on the basis of the said instance.

6. Moreover, A two Judge bench of the Hon'ble Supreme Court in ***State of Orissa vs. Mamata Mohanty (2011)3 SCC 436*** has clarified that Article 14 of the Constitution of India does not perpetuate negative equality. Speaking through Dr. Justice B.S. Chauhan, the following was held:

"It is a settled legal proposition that Article 14 is not meant to perpetuate illegality and it does not envisage negative equality. Thus, even if some other similarly situated persons have been granted some benefit inadvertently or by mistake, such order does not confer any legal right on the petitioner to get the same relief. [Vide State (UT of Chandigarh) v. Jagjit Singh; Yogesh Kumar v. State (NCT of Delhi); Anand Buttons Ltd. v. State of Haryana; K.K.Bhatia v. State of M.P.; Krishan Bhatt v. State of J & K; State of Bihar v. Upendra Narayan Singh; Union of India v. Kartick Chandra Mondal.]"

10. Similarly the Hon'ble Supreme Court in ***Union of India v. M. K. Sarkar, (2010)2 SCC 59*** has laid down that **"Article 14 is a positive concept and cannot be enforced in a negative manner. Irregularity and illegality cannot be perpetuated on the ground that illegal benefits have been extended to others". Thus, if some similarly situated persons have been granted some benefit by mistake, such**



an order does not confer any legal right on the petitioner to stake claim....”

(emphasis added)”

6. Furthermore, the petitioner has filed the present petition without laying challenge to the instructions dated 01.01.2014 (Annexure P-6). As such, in view of the law laid down in ***Dhani Ram Chaudhary Vs. State of Haryana, 2005(1) SCT 571***, the petitioner is not entitled to any relief.

7. In view of the aforesaid facts and circumstances of the case, this Court does not find any ground to exercise the extraordinary powers under Article 226 of the Constitution of India. Accordingly, the present petition is dismissed.

8. The pending miscellaneous application(s), if any, shall stand disposed of.

**[HARPREET SINGH BRAR]
JUDGE**

06.03.2026
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No