



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

**CWP-9532-2021 (O&M)
Date of Decision : 12-02-2026**

THE NORTHERN RAILWAYS AND ANOTHER

.....Petitioner(s)

VERSUS

RAKESH KUMAR AND ANOTHER

.....Respondent(s)

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

Present: Mr. Indresh Goel, Senior Panel Counsel
for the petitioners.

Mr. Sanjeev Sharma, Advocate
for respondent No.1.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to impugned order dated 20.02.2020 (Annexure P-5) passed by the Central Administrative Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal')-Respondent No.2 in OA No.60/547/2018 and M.A No.60/1988/2019, whereby the order impugned in the Original Application has been quashed and set aside and petitioners-respondents have been directed to grant family pension to the respondent No.1 from the due date alongwith arrears from the date the respondent No.1-applicant is claiming pension and quashing the impugned order dated 27.10.2020 (Annexure P-7) passed by respondent No.2, whereby the review application i.e. R.A No.060/00018/2020 filed by the

petitioners/respondents seeking review of the order dated 20.02.2020, was dismissed.

2. Learned counsel for the petitioners argues that though the son, who is disabled, is entitled for the family pension but, the respondent No.1 herein, is 100% deaf and is capable of earning his livelihood hence, the benefit of family pension could not have been transferred to him, after the death of his mother, who had been receiving the family pension, after the death of the pensioner concerned.

3. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

4. It has gone unrebutted that as per the Rules governing the service, a specially-abled child is entitled to receive family pension.

5. Upon being asked to point out as to whether, such entitlement is subject to any terms or conditions, particularly with regard to the earning capacity of the specially-abled person, no such terms and conditions have been brought to the notice of this Court to suggest that where a specially-abled person is capable of earning his/her livelihood, the benefit of family pension shall be denied to such specially-abled person.

6. In the absence of any restrictive qualification in the Rules limiting the grant of the said benefit to a particular category of specially-abled persons, the creation of any further classification by the petitioners, cannot be sustained.

7. Furthermore, it cannot be presumed that the respondent No.1 is sufficiently self-sustaining merely because he is capable of earning some livelihood. Once, it has come on record that respondent No.1 is 100% disabled, it is evident that he is incapable of performing a large number of

duties envisaged and even cannot compete for all forms of employment hence, the grant of family pension to such a specially-abled person, who is to support family members dependent upon the deceased employee, cannot, therefore, be held to be arbitrary or illegal.

7. No other argument has been raised.

8. Hence, in the absence of any perversity being pointed out in the impugned order dated 20.02.2020 (Annexure P-5) either on Rules governing the service or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the writ petition is accordingly dismissed.

9. Pending application(s), if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

12-02-2026
Sapna Goyal

(VIKAS SURI)
JUDGE

NOTE: Whether speaking/reasoned: YES
Whether reportable : NO