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

CWP-3467-2005 (O&M)

Date of Decision: 16.02.2026

Gulzar Singh

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- None for the petitioner.

Mr. Arun Jindal, Addl. A.G., Punjab.

JAGMOHAN BANSAL, J. (ORAL)

1. On 27.01.2026, the following order was passed:

“1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to grant him family pension on account of death of his son who was serving as Head Constable in Police Department.

2. The petitioner's son namely Jitender Pal Singh was recruited as Constable on 16.11.1989 in Punjab Police. He expired in harness on 11.06.1999. He was married having no child. The respondent sanctioned and released family pension to wife of the deceased. She subsequently solemnized second marriage and respondent in November' 2002 stopped her family pension. The petitioner made representations to respondents seeking family pension.

3. As per respondent, wife of an employee is entitled to family pension. Father cannot claim family pension because he is not dependent upon income of the deceased. Wife of the deceased was entitled to family pension, thus, respondent sanctioned and released family pension in her favour.

4. On 30.10.2006, the following order passed:

“Learned counsel for the petitioner relies on a judgment rendered by this Court in State of Punjab and another V. Kharak Singh Kang and another, 1998(1) RSJ 412. Learned counsel for the respondents, however, states that aforesaid judgment of a Division Bench of this Court, relied upon by the learned counsel for the petitioner, has been set aside by the Apex Court in State of Punjab and another V. Devinder Kaur; (1999) 9 SCC 12. Having gone through the aforesaid judgments, we are of the view that the subsequent amendment in the Family Pension Scheme introduced with effect from 1.1.1996 may also have to be examined while adjudicating upon the instant controversy. Admitted.”

5. Learned State counsel submits that expression ‘family’ has been defined in Paragraph 6.17(3) of Family Pension Scheme under Punjab Civil Services Rules, Volume II. Expression ‘family’ does not include parents. As per latest publication of Punjab Civil Services Rules ‘parents’ are also included in the definition of family. There is specific clause (e) in the aforesaid para. The said Clause reads as:

“6.17(3) “Family” for purposes of this Scheme will include the following relatives of the Government employee:—

XXX XXX XXX
XXX

(e) parents who were wholly dependent on the Government employee, when he/she was alive provided the deceased employee had left behind neither a widow nor a child.”

6. Learned counsel for the petitioners seeks short accommodation to ascertain whether at the time of death

of the employee or withdrawal of family pension to widow, aforesaid clause was existing or not. He would also try to find out whether said clause is retrospective or not.

7. Adjourned to 28.01.2026.

8. To be taken up immediately after the urgent matters.”

2. Learned State counsel submits that petitioner was not entitled to pension because deceased-employee was survived by wife. She was entitled to family pension. She later on solemnized second marriage, thus, her family pension was withdrawn. The petitioner in no manner was entitled to family pension.

3. **Dismissed** with liberty to the petitioner to move an appropriate application within six months from today, if cause survives.

4. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.02.2026
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No