



RSA-1646-2024 (O&M)

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

RSA-1646-2024 (O&M)**Reserved on : 10.11.2025****Pronounced on : 29.01.2026****Uploaded on : 31.01.2026**

State of Haryana and others

.....Appellants

Vs.

Murti Devi

.....Respondent

*Whether only the operative part of the judgment is pronounced?**NO**Whether full judgment is pronounced?**YES***CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present : Mr. Harish Nain, AAG, Haryana,
for the appellants.

Mr. S.K.Verma, Advocate,
for the respondent.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 01.08.2022 passed by learned Civil Judge (Senior Division), Bhiwani, whereby, the civil suit filed by the respondent was decreed in her favour and the judgment and decree dated 17.08.2023 passed by learned Additional District Judge, Bhiwani, whereby the appeal filed by the appellants against the judgment and decree dated 01.08.2022, was dismissed.

**BRIEF FACTS**

2. Brief facts of the case, as pleaded in the civil suit, are that husband of the respondent, namely Jagdish Chander, was appointed as Conductor through Employment Exchange and as such posted at Haryana Roadways, Bhiwani Depot. He joined his duty with effect from 03.12.1975 and expired on 20.04.1977 during the course of employment. As per pleadings, husband of the respondent had acquired the status of regular employee on completion of 240 days, therefore, respondent would be entitled to death-cum-retiral benefits of her late husband Jagdish Chander. Respondent approached the appellants for retiral benefits of her late husband. Since she received no response, she filed civil suit before the learned Civil Judge (Senior Division), Bhiwani, who vide its judgment and decree dated 01.08.2022 decreed the suit in her favour. The appellants filed an appeal against the judgment and decree dated 01.08.2022 before the learned Additional District Judge, Bhiwani, who dismissed the same vide its judgment and decree dated 17.08.2023. Hence, the present regular second appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

3. Learned counsel for the appellants contends that both the Courts did not appreciate the very fact that late Jagdish Chander, husband of the respondent, was appointed on ad hoc/temporary basis and there was break in employment and he had not completed the condition of regularization, therefore, an ad hoc/temporary employee is not entitled for pension and his



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family for family pension/retiral benefits. He further contends that the post held by husband of the respondent was not pensionable at the time of his death and became pensionable, vide letter/instructions dated 07.10.1982. Further that husband of the respondent died on 20.04.1977, whereas the civil suit was filed in the year 2017. Therefore, the Civil Suit was barred by limitation. In support of his contentions, he relies upon judgment passed by Hon'ble the Supreme Court in **State of Haryana and others Vs. Shakuntala Devi, 2009 AIR (SC) 869**. He, therefore, prays that the present appeal be allowed.

4. *Per contra*, learned counsel for the respondent contends that family pension/retiral benefits is recurring cause, therefore, the civil suit filed by the respondent was not delayed. He further submits that husband of the respondent was appointed as Conductor on ad hoc/temporary basis and after completion of 240 days, he had acquired the status of a regular employee. In support of his contentions, he relies upon judgment passed by this Court in **Roshni Devi Vs. State of Haryana and others, 2024 NCPHHC 25149**. Therefore, he prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.

6. Vide order dated 01.07.2024, conditional warrants of arrest of appellant No.3 were stayed by this Court.

7. Admittedly, husband of the respondent was appointed as Conductor on ad hoc/temporary basis with effect from 03.12.1975 and



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expired on 20.04.1977. Respondent filed civil suit on the ground that after completion of 240 days, her husband acquired the status of a regular employee, and therefore, she is entitled to family pension/retiral benefits. A perusal of the record shows that Jagdish Chander, husband of the respondent, worked as Conductor with a break in employment. He worked from **03.12.1975 to 21.01.1976 for 50 days**, thereafter, from **06.03.1976 to 17.05.1976 for 73 days**, then from **08.06.1976 to 07.12.1976 for 183 days** and thereafter, from **09.12.1976 to 31.03.1977 for 114 days** and from **08.04.1977 till 20.04.1977 for 13 days**. This shows that the husband of the respondent worked with breaks. Moreover, as per the record, the post held by the husband of the respondent was not pensionable at the time of his death and became pensionable, vide letter/instructions dated 07.10.1982 (Exhibit D1). A bare reading of this letter (Exhibit D1) shows that the same is regarding conversion of all non-pensionable post into pensionable post and one of the conditions thereof is that the same would be operative with effect from 01.07.1982, whereas the husband of the respondent expired on 20.04.1977. Therefore, letter/instructions dated 07.10.1982 would not be applicable in case of the husband of the respondent since the same were applicable with effect from 01.07.1982 and husband of the respondent had already expired on 20.04.1977.

8. Now coming to the judgments cited by learned counsel for the parties.



9. Learned counsel for the respondent has relied upon judgment passed by this Court in **Roshni Devi's case (supra)**, wherein the husband of the petitioner was appointed as regular employee in Haryana Roadways, whereas in the present case, the husband of the respondent was never appointed on regular basis, rather, he was appointed on ad hoc/temporary basis with breaks in employment. Therefore, the facts of the judgment passed in **Roshni Devi's case (supra)** are distinguishable and this judgment would be of no help to the respondent.

10. Learned counsel for the appellants has relied upon judgment passed by Hon'ble the Supreme Court in **Shakuntala Devi's case (supra)**, wherein the respondents were dependent of the deceased appointed on ad hoc basis. And the question involved was whether the respondents being dependents of the deceased ad hoc appointees are entitled to grant of family pension in terms of the provisions of Punjab Civil Services Rules and Family Pension Scheme, 1964. And Hon'ble the Supreme Court held that pensionable scheme would be applicable to all regular employees in pensionable establishment, temporary or permanent, who were in service and the employees must have been appointed on regular basis i.e. in accordance with the Rules. Only because services of ad hoc employees were continued, the same would not mean that thereby his status has been changed.

11. In view of the above, since in the present case, the husband of the respondent was working on non-pensionable post and he died before the



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date when his post became pensionable. Further, as per the record, there is no order whereby the services of the husband of the respondent were regularized. Therefore, once the husband of the respondent is not entitled to the pensionary benefits, his wife i.e. respondent would also not be entitled to family pension.

12. Accordingly, the judgment and decree dated 01.08.2022 passed by learned Civil Judge (Senior Division), Bhiwani, and the judgment and decree dated 17.08.2023 passed by learned Additional District Judge, Bhiwani, are hereby set aside. Consequently, the present regular second appeal is **allowed**.

13. Parties are left to bear their own costs.

14. Decree sheet be drawn.

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

(SUDEEPTI SHARMA)
JUDGE

29.01.2026

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No