



CWP-23968-2018

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

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CWP-23968-2018 (O&M)
Date of decision : 07.04.2026

BIRMATI

..... Petitioner

VERSUS

STATE OF HARYANA AND ORS

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present :- Mr. S. K. Bhardwaj, Advocate
for the petitioner.

Mr. Ravi Pratap Singh, DAG, Haryana.

Deepinder Singh Nalwa, J. (Oral)

1. In the present writ petition, the petitioner has challenged the orders dated 12.02.2002 (Annexure P-3) and 02.04.2003 (Annexure P-4) vide which, the claim of petitioner for grant of family pension has been rejected.

2. Brief facts of the case are that the husband of the petitioner was appointed as a Constable on regular basis in August 1995. The selection process by which the husband of petitioner was selected and offered appointment was challenged before this Court in Civil Writ Petition No.13942 of 1995 titled as 'Balbir Singh Vs. State of Haryana and others'. This Court, vide judgment dated 16.02.1996, quashed the selection process. Aggrieved against the above said judgment passed by this Court, the candidates filed a Civil Appeal No.15036 of 1996 before Hon'ble the Supreme Court which was dismissed vide order dated 17.01.2001. As per the

judgment passed by Hon'ble the Supreme Court, a fresh advertisement was

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to be issued and some preference was to be given to the experience gained by the candidates who had earlier been selected and appointed in service.

3. Unfortunately, the husband of the petitioner expired on 26.12.2000. The petitioner, being the widow of the deceased employee, submitted a representation to the respondents for grant of family pension. The above said representation was considered by the competent authority and was rejected vide order dated 12.02.2002 (Annexure P-3). The petitioner, thereafter, served a legal notice to the respondents for grant of family pension, however, no action was taken by the respondents. As a consequence of this, the petitioner filed a petition before this Court being CWP-2113 of 2003. The above said writ petition was disposed of by this Court on 07.02.2003 with a direction to the respondents to decide the legal notice served by the petitioner by passing a speaking order within a period of 03 months. In pursuance to the above said order passed by this Court, the respondents passed an order dated 02.04.2003 (Annexure P-4) vide which, the claim of petitioner for grant of family pension was again rejected.

4. It transpires that after rejection of her claim twice, the petitioner again submitted a representation/application dated 12.07.2018 (Annexure P-7), relying upon an order dated 22.07.2016 (Annexure P-6) whereby, Constables who were earlier appointed with the deceased husband of the petitioner were held entitled for grant of all benefits of their previous service which was rendered by them from the year 1995 to 2001. However, no decision is taken by the respondents on the above said representation submitted by the petitioner. Aggrieved against the orders dated 12.02.2002

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(Annexure P-3) and 02.04.2003 (Annexure P-4), the petitioner has filed the present writ petition.

5. The only contention raised by the learned counsel appearing on behalf of petitioner is based upon the order dated 22.07.2016 (Annexure P-6). As per the learned counsel, a perusal of the abovesaid order dated 22.07.2016 (Annexure P-6) would show that the Constables who were earlier appointed along with deceased husband of the petitioner and whose selection was subsequently quashed and have been appointed afresh on regular basis on the basis of fresh advertisement, they are held entitled for grant of all benefit of previous service rendered by them from 1995 to 2001 as such, on the basis of the order dated 22.07.2016 (Annexure P-6) the petitioner is also entitled for grant of family pension.

6. On the other hand, learned State counsel submits that the petitioner is not entitled for grant of family pension for the reason that the selection on the basis of which, the deceased-husband of the petitioner was appointed has been set aside by this Court and the same has been upheld by Hon'ble the Supreme Court. He further submits that once the selection itself has been quashed, the service rendered by the petitioner's deceased-husband cannot be taken into consideration for the purpose of pension. It is further contended that the order dated 22.07.2016 (Annexure P-6) will not help the case of petitioner for the reason that the above said order is applicable only to those Constables who have been appointed afresh in pursuance to the fresh advertisement.



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7. After hearing the learned counsel for the parties at some length and going through the record, the only issue involved in the present writ petition is in regard to whether the petitioner is entitled for grant of family pension.
8. A perusal of the facts of the present case would show that there is no dispute that the selection and appointment of the deceased husband of the petitioner was quashed by this Court. It is well settled law that once the selection is quashed, it cannot be held that the candidate had any lawful service, as such, the petitioner cannot claim any benefit arising from such appointment.
9. In regard to reliance made by learned counsel appearing on behalf of the petitioner on the order passed by the respondents dated 22.07.2016 (Annexure P-6) is concerned, a perusal thereof, would show that the above said order pertains to Constables who have been appointed afresh in pursuance to the fresh advertisement. As such, the petitioner cannot take any benefit from the above said order.
10. Taking into consideration the facts of the present case, this Court finds no infirmity in the impugned orders dated 12.02.2002 (Annexure P-3) and 02.04.2003 (Annexure P-4).
11. Accordingly the present writ petition is dismissed.
12. Pending application(s), if any, shall also stand(s) disposed of accordingly.

(DEEPINDER SINGH NALWA)
JUDGE

07.04.2026
Rimpal

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No