

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CWP-8842-2016

Date of Decision :20.01.2026

Munni Devi

...Petitioner

Versus

Central Administrative Tribunal, Chandigarh
and others

....Respondents

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

Present: Mr. Padamkant Dwivedi, Advocate for the petitioner.

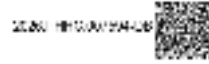
Mr. S.K. Sharma, Senior Panel Counsel
for respondents No.2 to 4.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 07.01.2016 (Annexure P/3) passed by the respondent No.1-Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'the Tribunal'), whereby the claim raised by the petitioner for the grant of compassionate allowance has been declined.

2. The facts are not in dispute that the benefit of pension which was extended to the late husband of the petitioner namely, Ram Kumar was stopped after he was convicted in a criminal case, which order of non-grant of pension was challenged but the petitioner remained unsuccessful. Thereafter, the conviction of husband of petitioner in the criminal case was set aside after preferring an appeal against order of conviction on the basis of which, the claim has been raised by the petitioner for restoring the



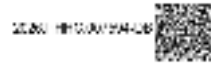
pensionary benefits/pension admissible to her, which benefit was stopped due to the conviction of her husband.

2. The only objection which is being taken by the respondent-UOI is that once, an earlier order of stoppage of pension was never challenged at the hands of petitioner and the same attained finality, the benefit of pension cannot be extended at this stage.

3. We have heard learned counsel for the parties and have gone through the record with their able assistance.

4. It may be noticed that the earlier proceedings which were initiated due to the conviction of the husband of the petitioner in the criminal case was valid. Subsequently, once, the order of conviction was set aside in appeal and the husband of the petitioner was acquitted of charges levelled against him, the stoppage of benefit of pension upon conviction should have been reconsidered. Rather the pension should have been restored in favour of the petitioner as there is no other impediment which has been shown to the Court which could give way for stopping of the benefit of pension for which benefit the husband of the petitioner was entitled for.

5. It may be further noticed that though the petitioner has sought the benefit of compassionate allowance which is only admissible to an employee who has been dismissed from service but, in the present case, after the dismissal from service which was based upon conviction which conviction concededly has already been set aside vide order dated 21.09.2024, rather than directing the respondents to pass a fresh order, the benefit to restore the pension is passed by this Court straight away as no



impediment in restoring the pension has been brought to the notice of this Court.

6. Keeping in view the said fact, rather than directing the respondents to pass a fresh order after considering the claim with regard to restoring the benefit of pension and the family pension as the case may be, for which, the petitioner is entitled for, a direction is being given to the respondents to release the pension admissible to the late husband of the petitioner, which was stopped due to the conviction of her husband as well as family pension after the death of the husband of the petitioner, within a period of 08 weeks from the date of receipt of copy of this order, in case there is no other impediment due to which the said benefit cannot be granted. In case, the respondents are of the view that there exists any other impediment for stoppage of said benefits, the respondents will be within a jurisdiction to pass appropriate speaking order within time framed prescribed.

7. Present petition stands disposed of in above terms.

8. Civil miscellaneous application pending if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

January 20, 2026

aarti

Whether speaking/reasoned : Yes
Whether reportable : No