



107

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

**CWP-22728-2025 (O&M)
Date of decision: 29.01.2026**

Sarita

... Petitioner

Vs.

Managing Director, Dakshin Haryana Bijli Vitran Nigam Ltd. and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sandeep Thakan, Advocate
for the petitioner.

Mr. Pravindra Singh Chauhan, Advocate General, Haryana with
Ms. Vasundhara Asija Bhandari, Advocate and
Mr. Prince Singh, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing of office order dated 17.08.2022 (Annexure P-3) and the letter/memo dated 06.08.2024 (Annexure P-7) and further to direct the respondents to release the benefit of commutation of pension on account of retirement of husband of the petitioner along with interest @ 24% *per annum*.



2. Learned counsel for the petitioner, *inter alia*, contends that husband of the petitioner was serving the respondent-Corporation and he retired on 31.12.2015 from the post of Divisional Accountant, on attaining the age of superannuation. A departmental inquiry was initiated against husband of the petitioner, which culminated into awarding punishment of deduction of 3% from his monthly pension for two years, as discernible from office order dated 30.12.2020 (Annexure R-2) and against the said order, he filed the statutory appeal before the competent authority, wherein, vide office order dated 13.08.2021 (Annexure R-4), the punishment was set aside and found him entitled to all the pensionary benefits. Further, husband of the petitioner submitted Form Pen 12-A (application for commutation of 40% pension without medical examination) after his retirement on 31.12.2015 and within the prescribed period under the applicable Rules. Thereafter, his case was processed further and the relevant documents along with service book were forwarded to the pension sanctioning authority for finalization.

3. Learned counsel for the petitioner refers to copies of office memo dated 28.01.2016 (Annexure R-5) and Last Pay Certificate dated 29.01.2016 (Annexure R-6), which were attached with the short affidavit dated 04.10.2025 of Kuldeep Mor, XEN, filed on behalf of the respondents, in compliance of the order dated 06.08.2025 passed by this Court. Further, due to pendency of disciplinary proceedings against husband of the petitioner, case for commutation of pension was kept pending and only after submitting fresh request letter on 07.02.2021, which is available on record as Annexure



R-7, a communication was sent to the Accounts Officer (Pension) on 19.02.2021 (Annexure R-8) for finalizing his regular pension. Thereafter, vide office order dated 01.03.2021 (Annexure P-1), sanction for payment of regular pension, Death-cum-Retirement Gratuity (for short 'DCRG') and commutation of pension was accorded. After that, husband of the petitioner appeared before the Chief Medical Officer, Bhiwani for obtaining the Medical Fitness Certificate, however, his medical examination could not be conducted due to onslaught of COVID-19 pandemic. In the meantime, on 11.05.2021, husband of the petitioner expired. As such, he acted diligently and his non-examination by the Chief Medical Officer was beyond his control and failure to conduct medical examination by Chief Medical Officer due to COVID-19 pandemic cannot be a ground to deny him the benefit of commutation of pension. Further, the Haryana Civil Services (Pension) Rules, 2016, on the basis of which, claim for commutation of pension of late husband of the petitioner was denied, are not applicable, as the same were implemented w.e.f. 19.07.2016, after his retirement on 31.12.2015.

4. *Per contra*, learned Advocate General, Haryana submits that the Rules, which were applicable at the time of retirement of late husband of the petitioner, even does not entitle a retiree after his/her death for commutation of pension. Further, the disciplinary proceedings were dropped by taking a lenient view on account of death of husband of the petitioner. As such, the petitioner is not entitled to any relief. However, he could not controvert the fact that sanction was accorded on 01.03.2021 for grant of regular pension,



DCRG and commutation of pension and thereafter, vide letter dated 15.03.2021 (Annexure R-9), late husband of the petitioner was directed to obtain the Medical Fitness Certificate (Form Pen-14). It is also not in dispute that late husband of the petitioner appeared before the Chief Medical Officer for obtaining the Medical Fitness Certificate, however, authorities of Civil Hospital did not allow his medical examination at that specific time due to COVID-19 pandemic.

5. Having heard learned counsel for the parties and after careful perusal of record of the case file with their able assistance, it transpires that late husband of the petitioner retired on 31.12.2015 and sanction for grant of regular pension, DCRG and commutation of pension was accorded by the competent authority on 01.03.2021, as discernible from Annexure P-1. Further, perusal of letter/memo dated 28.09.2022 (Annexure P-5) clearly indicates that due to contagious COVID-19 pandemic, medical examination of late husband of the petitioner could not be conducted, as authorities of the Civil Hospital did not allow his medical examination at that specific time and in the meantime, he expired on 11.05.2021.

6. In view of the conspicuous facts and circumstances of the case, when the eligibility of the retiree for the benefit of commutation of pension is not in question, his widow cannot be denied the said benefit due to lapse of time, after sanction was accorded by the competent authority and even for non-production of medical fitness certificate, for which late husband of the petitioner was not at fault.



7. Accordingly, present petition is allowed and the impugned order dated 17.08.2022 (Annexure P-3), whereby benefit of commutation of pension was denied, is hereby set aside. The respondents are directed to act in accordance with the office order dated 01.03.2021 (Annexure P-1) and to take appropriate steps to implement the same, without insisting for submission of Medical Fitness Certificate of late husband of the petitioner, which was beyond his control.

8. It is made clear that this judgment has been rendered in view of the peculiar facts and circumstances of the present case and the same will not be treated as a precedent in any manner.

[HARPREET SINGH BRAR]
JUDGE

29.01.2026
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No