



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

Sr. No.108**CWP-28413-2025****Date of Decision: 07.04.2026**

Nirmala Devi

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Rajender Chhokar, Advocate, for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.**TRIBHUVAN DAHIYA, J. (ORAL)**

The petition has been filed seeking a writ of *mandamus* directing the respondents to grant family pension to the petitioner, who is a widow. Her father was a pensioner, who died on 28.09.1988 and consequently, her mother was getting family pension of her late husband. She also died on 25.10.2016. The petitioner was statedly widowed in 2009. Ever since she was dependent upon her mother, which entitled her to the family pension as a widowed daughter.

2. Learned State counsel contends that as per averments in the petition itself, the petitioner is residing in her matrimonial home. Accordingly, she is not entitled to family pension as a widowed daughter since full dependency upon her parents during their lifetime has not been established. She referred to the instructions dated 27.11.2025, received by her from the third respondent, which read as under:

In this context, it is submitted that the petitioner herself submitted in this writ petition that she is living in her matrimonial house i.e. village Thana, Tehsil Pehowa, Distt.



Kurukshetra and not with her parents (i.e. deceased govt. employee Late. Sh. Kali Ram, JBT, Govt. Sr. Sec. School, Manana (Panipat) and his wife resident of village Patti Kalyana, Tehsil Samalkha, Distt. Panipat).

It is further submitted that the provision made in Rule-10 (B) (iv) and Note-3 below rule (vii) of HCS (Revised Pension) Rules, 2016 regarding the family for the purpose of family pension is reproduced here as under:-

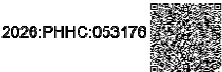
(iv) failing (i) to (iii) above, the dependent eldest daughter amongst unmarried/widowed/divorced daughters of above 25 years upto the date of her marriage/re-marriage or till the date she starts earning livelihood, whichever is earlier. In case of widowed/divorced daughter, she is widowed/divorced before the date of expiry of eligibility of other family member for family pension:

Note-3 below rule (vii)

Son/daughter includes children legally adopted under the Hindu Law or personal law of the Government employee residing with and wholly dependent upon his/her parent but does not include step children".

From the perusal of the above rule, it is clear that the petitioner has to provide the documentary proof regarding her fully dependency and residing with her parents i.e. deceased Government employee namely Late Sh. Kali Ram, JBT, Govt. Sr. Sec. School, Manana (Panipat) (Date of death 28.09.1988) and her mother late Smt. Ram Pyari, Date of death 25.10.2016. Thus, the petitioner is not eligible for the benefit of family pension in the absence of the above documents.

2.1. She further contends that in case the petitioner approaches the Department with documentary proofs to establish that she has been fully dependent upon her parents since 2009, her case for grant of family pension would be reconsidered.



3. In view of the statement made, the petition is disposed of granting liberty to the petitioner to approach the respondents with adequate documentary proofs to establish her claim.

(TRIBHUVAN DAHIYA)
JUDGE

07.04.2026
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No