

Clause-4 of the Family Pension Scheme, 1964 which required that a Government employee should have completed a minimum period of one year of continuous service without break after regularization. The respondent also applied for compassionate appointment which was granted to her in the year 1996. She continued to work and ultimately filed a Writ Petition on 24.10.2008 claiming family pension.

3. Learned Single Judge has relied upon a judgement in the case of Savitri Devi Vs. State of Haryana and others ; 1996(2) RSJ 854 and other judgments to hold the respondent entitled to family pension. 9% interest has also been allowed on the arrears of the family pension.

4. Though the judgment of learned Single Bench has been assailed, but the limited prayer made in the appeal is to exempt the State from the liability to pay interest. It is urged on behalf of the State that since the respondent was already employed and receiving salary on a Class IV post, pursuant to compassionate appointment offered to her, it was not a case in which exorbitant interest @ 9% was required to be allowed.

5. Learned counsel for the respondent however submits that the interest of 9% is clearly justified in the facts of the present case.

6. We have heard learned counsel for both the parties.

7. It is undisputed that respondent's husband died in the year 1996. Compassionate appointment was offered to the respondent soon after the death of her husband. No claim for family pension was raised till filing of the petition in the year 2008. The respondent otherwise was receiving salary pursuant to her compassionate appointment and had not raised any

grievance till the year 2008. There was otherwise a dispute with regard to entitlement of respondent to receive family pension under the applicable Rules.

8. In such circumstances, we are of the view that direction of the learned Single Judge, vide the impugned order, for grant of interest on arrears of family pension ought to be modified from 9% to 6% per annum.

9. Ordered accordingly.

10. Appeal stands **disposed of.**

11. All pending applications in this case are disposed of accordingly.

**[ASHWANI KUMAR MISHRA]
JUDGE**

**[KULDEEP TIWARI]
JUDGE**

July 31, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>