



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

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**CWP-8448-2024
Date of decision: 11.02.2025**

SHAMA DEVIPetitioner

VERSUS

STATE OF HARYANA AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Sandeep Panwar, Advocate with
Mr. Pawan Kumar, Advocate
for the petitioner.

Mr. P.C. Goyal, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The petitioner has approached this Court for seeking directions to the respondents to trace the service record of father of petitioner and release family pension to her.

2. Learned Counsel appearing on behalf of the petitioner contends that the father of the petitioner, late Harikesh Sharma, retired as a Head Revenue Clerk on 30.06.1982 from the office of Executive Engineer, W.J.C. Division, Jind. He was granted superannuation pension w.e.f. 01.07.1982 vide PPO No. 22143/HR. Petitioner's father died on 30.01.2003 and her mother Smt. Bhagwanti Devi also died on 25.08.2017. Husband of the



petitioner had also died on 05.11.2000 and that she has not remarried since then. She is a household lady and is not involved in any business to earn her livelihood and also suffers from a 100% physical disability. It is thus claimed that the petitioner being fully dependent upon late Harikesh Sharma, is entitled to get the family pension w.e.f. 26.08.2017 i.e. after death of her mother Smt. Bhagwanti Devi on 25.08.2017. Reliance is also placed on the clarification issued by the Finance Department vide No.8/11/2010-4 Pension (FD) dated 01.01.2014 in reference to Rule 14 of the Haryana Civil Services (Revised Pension) Rules, 2009 whereby it was clarified that the family pension will be payable to widowed/divorced daughters if they fulfill all the eligibility conditions at the time of death of the government servant or his/her spouse, whichever is later.

3. The illustration as per the instructions dated 01.01.2014 is extracted as under:

“The position is illustrated through the example, shri X a pensioner, died in 1985. He was survived by his wife, Smt. Y, a son Shri Z and a daughter, Kumari E, the daughter being the younger, kumari E married in 1989 and got widowed in 1995. Smt. Y died in 2000. Thereafter, Shri Z (son) was getting family pension being disabled and died in 2002. Thereafter, the family pension was stopped as, Kumari E was not eligible for it at that time. She applied for family pension on the basis of Haryana Civil Services (Revised Pension) Rules, 2009. Since She was a widow and had no independent source of income at the time of death of her mother (family pensioner) and on the date her turn came, she may be granted family pension.”



4. He contends that the case of the petitioner is squarely covered by the said instructions issued by the respondent-State and that despite all the relevant documents having been submitted by the petitioner to the respondents No.4 and 5 for getting the required family pension being fully dependent, the needful has not been done.

5. Learned Additional Advocate General for the State of Haryana does not dispute the factual aspects and contends that the respondent-Department has already submitted the case of the petitioner to the Treasury Office, Kaithal vide No. 3560-62/PF dated 19.06.2024 for onward submission to the competent authority i.e. to the office of Accountant General, Haryana being the competent authority and that the family pension shall be released soon.

6. Undisputedly, even though the said letter had been forwarded to the office of the Accountant General on 19.06.2024, however, notwithstanding that a period of nearly 07 months has elapsed, the family pension has not been released.

7. Counsel for the petitioner submits that she had a received a communication from the Office of the Accountant General, Haryana that her family Id is not the same as that of her widowed mother. He submits that a response thereto has already been filed that the widowed mother had been residing in village while the petitioner had moved to the City i.e. Kurukshetra and that the difference in the Parivar Pehchan Patar was on the

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said account and has no concern in so far as the dependency of the petitioner on the deceased is concerned.

8. Learned Counsel appearing on behalf of the respondent contends that notwithstanding the inter se communication, the appropriate decision shall be taken within a period of one month and in the event of the petitioner fulfilling the terms and conditions of the instructions as issued, the benefit admissible to the petitioner shall be released within a period of six weeks thereafter.

9. In view of the aforesaid statement and undertaking given by the State Counsel, the present writ petition is disposed of as not pressed at this stage. The respondent shall remain bound by the timelines to take a decision and to release the admissible benefits, if found eligible, within the period of six months from the date of taking of a decision. In the event the admissible benefits are not released, the respondents shall be bound to pay interest @ 6% per annum from the date when such benefit fell due till its actual release. The enhanced liability may thereafter be recovered from the official who caused such delay in disbursement of the dues.

(VINOD S. BHARDWAJ)**JUDGE****FEBRUARY 11, 2025***Vishal Sharma*

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No