

Before M. R. Agnihotri, J.

SITA DEVI,—Petitioner.

versus

THE SECRETARY, HARYANA STATE ELECTRICITY BOARD,
PANCHKULA, DISTRICT AMBALA,—Respondent.

Civil Writ Petition No. 5290 of 1989.

17th January, 1990

Constitution of India, 1950—Art. 226—Punjab Civil Services Rules, Volume II—Family Pension Scheme, 1964—Grant of family pension—Service of regular employee—Period of such regular service—Relevancy of—Civil Services Rules—Object of—Stated.

Held, that the object of the Punjab Civil Services Rules, Volume II, relating to pensions etc., and the Family Pension Scheme, 1964, is to ensure that family pension was to be granted only to the widows or widowers of the employees if the deceased employee was in regular employment. Whether the employer had ordered regularisation of the services of the deceased employee one day before the date of death or a decade back, the same is wholly irrelevant for the purposes of entitlement to family pension. Once an employee completes five years' continuous service, on regularisation the whole service becomes regularised and has to be counted for pension. Any other interpretation would defeat the purpose of grant of family pension. (Para 4)

ing that the petitioner herein deserves to be granted the following reliefs:—

Writ Petition under Article 226 of the Constitution of India pray-

- (i) Respondents herein, by an appropriate writ, order or direction be directed to transmit the entire records of the case to this Hon'ble Court;
- (ii) An appropriate writ in the nature of Mandamus or any other appropriate writ, order or direction be issued to the respondent-Board to pay the arrears of the family pension due to the petitioner since the date of the death of her husband i.e., 11th June, 1974 immediately;
- (iii) A writ in the nature of Mandamus or any other appropriate writ order or direction be issued to the respondent-Board directing them to pay family pension to the petitioner every month regularly henceforth;
- (iv) A writ in the nature of Mandamus or any other appropriate writ be issued to the respondent-Board directing them

to pay 'exemplary costs' and 'interest' on the arrears of family pension due to the petitioner from the date of death of her husband i.e., 11th June, 1974 till the date of payment;

- (v) The filing of the certified copies of Annexures P-1 to P-12 which are true copies of the original may kindly be dispensed with;
- (vi) The service of advance notice and copies of this writ petition on the respondent-Board be dispensed with;
- (vii) Any other interim/or final relief as may appear to your Lordships to be just and proper in the circumstances of the case be also granted to the petitioner herein; and
- (viii) Costs of the present writ petition be also awarded to the petitioner herein;

Sanjay Bansal, Advocate, for the Petitioner.

Manohar Lal, Advocate, for the Respondent.

JUDGMENT

M. R. Agnihotri, J.

(1) By this judgment, three Civil Writ Petitions Nos. 5200, 5249 and 6250 of 1989 are disposed of as common question of law is involved in the same; that is, whether widow of an employee of the Haryana State Electricity Board was entitled to family pension or not if the deceased had not completed one year's regular service before the date of his death.

(2) Admittedly in these three cases the deceased employees to start with, joined services as casual/work-charged employees and were later on regularised, as detailed below:—

CWP 5290/1989

Deceased Sher Singh, late husband of Sita Devi petitioner.	: Joined service on 1st February, 1954 as Lineman on work-charge basis and his services were regularised on 12th October, 1972, that is, before he died on 11th June, 1974.
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**Sita Devi (Smt.) v. The Secretary, Haryana State Electricity Board,
Panchkula, District Ambala (M. R. Agnihotri, J.)**

CWP 6249/1989

Deceased Rama Kant late : Joined service on 1st March,
husband of Raj Bala peti- 1977 as Tradesman Mate on
tioner. work-charge basis and his ser-
vices were regularised on 17th
April, 1982 that is, before he
died on 21st February, 1983.

CWP 6250/1989

Deceased Virender Kumar : Joined service on 28th July,
late husband of Bimla Devi 1970 as Mali-cum-Chowkidar
petitioner. on work-charge basis and his
services were regularised on
24th March, 1984, that is,
before he died on 19th May,
1984.

(3) The stand of the respondent as projected in its written statements is that no doubt services of the deceased employees had been regularised before their death, yet they did not have five years' service to their credit at the time of their death. Therefore, according to the respondent, the claims to the family pension submitted by the petitioners have been rightly rejected by the respondent-Board.

(4) After hearing the learned counsel for the parties and having gone through the reply, I am of the considered view that the stand taken by the respondent is wholly untenable in law. The object of the Punjab Civil Services Rules, Volume II, relating to pensions etc., and the Family Pension Scheme, 1964, is to ensure that family pension was to be granted only to the widows or widowers of the employees if the deceased employee was in regular employment. Whether the employer had ordered regularisation of the services of the deceased employee one day before the date of death or a decade back, the same is wholly irrelevant for the purposes of entitlement to family pension. Once an employee completes five years' continuous service, on regularisation the whole service becomes regularised and has to be counted for pension. Any other interpretation would defeat the purpose of grant of family pension.

(5) Consequently, the writ petitions are allowed and the respondent Haryana State Electricity Board is directed to grant family pension to the petitioners considering them eligible for the grant of the same forthwith. No order as to costs.

S.C.K.