
(1990) 01 P&H CK 0003
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5290 of 1989

Smt. Sita Devi

APPELLANT

Vs

The Secretary, Haryana State Electricity Board

RESPONDENT

Date of Decision : 17-01-1990

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1991) 2 ILR (P&H) 371 : (1990) 98 PLR 81

Hon'ble Judges : M.R. Agnihotri, J

Bench : Single Bench

Advocate : Sanjay Bansal, for the Appellant; Manohar Lal, for the Respondent

Final Decision : Allowed

Judgement

M.R. Agnihotri, J.—By this judgment, three Civil Writ Petitions Nos. 5290, 6949 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 Haryana State Electricity Board was entitled to family pension or not if the deceased had not completed one years regular service before the date of his death.

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

C.W.P. 5290/1989 Deceased Sher Singh late husband : Joined service on 1.2.1954 as of Sita Devi Petitioner. Lineman on work-charge basis and his services were regularised on 12.10.1972, that is, before he died on 11.6.1974. C.W.P. 6249/1989 Deceased Rama Kant late bus- : Joined service on 1.3.1977 as band of Raj Bala Petitioner Tradesman Mate on work charge basis and his services were regularised on 17.4 1982 that is, before he died on 21.2.1983. C.W.P. 6250/1989 Deceased Virender Kumar late : Joined service on 28.7.1976 as husband of Bimla Devi Petitioner charge basis and his services were regularised on 24.3.1984 that is,

before he died on 19.5 1984.

3. The stand of the respondent as projected in its written statement 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.