

**IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA**

**CWP(T)No. 8894 of 2008.**

**Date of decision: December 31.12.2012.**

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Smt.Kalawati wife of late Sh Roop Singh  
Village Kot Danger, P.O. Thor Niwar,  
District Sirmour, H.P.

....Petitioner.

Versus:

1. The State of Himachal Pradesh  
through Secretary (PWD).
2. The Engineer-in-Chief,  
H.P. PWD. U.S.Club, Shimla.
3. The Superintending Engineer,  
H.P.PWD, Circle, Nahan.
4. The Executive Engineer,  
H.P. PWD, Division, Rajgarh,  
Distt. Sirmour, H.P.

.....Respondents.

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Coram:

**Hon'ble Mr. Justice Dev Darshan Sud, Judge.**

Whether approved for reporting? No.

For the petitioner: Mr. A.K.Gupta, Advocate.

For the Respondent: Mr.R.P.Singh, Assistant Advocate  
General.

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**Dev Darshan Sud,J (Oral).**

The petitioner is the wife of deceased Roop Singh,  
who was working with the respondents. It is undisputed before  
me that deceased Roop Singh was offered a temporary post of

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Whether reporters of the Local papers are allowed to see the judgment? Yes.

Work-charged Beldar w.e.f. 1.1.1994 in the pay scale of Rs. 770-1410 vide Annexure:R2 on the terms and conditions as submitted therein. It is also undisputed before me that deceased Roop Singh died on 25.2.1995 and that he joined his services as daily waged Beldar in H.P.PWD, Rajgarh on 1.1.1984. Learned counsel for the petitioner relies upon Rule 54 sub-rule (2)(a) of the CCS (Pension) Rules 1972 to urge that since the deceased has put more than one year service with the State Government, he was entitled to family pension.

2. This prayer is opposed by the learned Assistant Advocate General primarily on the ground that there is nothing on the record to establish that after issuance of Annexure:R2, the deceased had actually joined service or not. I cannot accept this submission made on behalf of the respondents. According to the man-days chart (Annexure:R1) prepared by the respondents, the deceased reported for duty on January, 1994. There is nothing on the record placed by the respondents to show that the deceased Roop Singh had voluntarily abandoned services with the respondents.

3. In these circumstances, this writ petition is allowed. I direct that the petitioner be granted the family pension in accordance with the Rules applicable. Petition is disposed of. No order as to costs.

**(Dev Darshan Sud),  
Judge.**

December 31,2012(R)