

2025.PHHC.014930



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

**204**

**CWP-20653-2018**

**Date of Decision: 31.01.2025**

**SHAGUN DEVI**

... Petitioner

**VERSUS**

**STATE OF HARYANA AND OTHERS**

... Respondents

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

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Present: Mr. Shashank Shekhar Sharma, Advocate  
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

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**VINOD S. BHARDWAJ, J. (ORAL)**

Challenge in the present petition is to the letter dated 06.04.2018 (Annexure P-8) vide which the claim of the petitioner for family pension has been rejected on the ground that the petitioner was not a divorced daughter at the time of death of government employee.

Learned counsel for the petitioner contends that the case of the petitioner is squarely covered by the *judgment dated 28.05.2024* passed by a Co-ordinate Bench of this Court in *CWP-27707 of 2019* titled as *Ambika Versus State of Haryana and Others*, and in paragraphs No.5 and 7 thereof, wherein it has been specifically held that the date of death is immaterial; and that even if the daughter becomes widow or divorced after the death of her father, she would nonetheless be entitled to such benefit of family pension. The operative part of the said judgment is reproduced hereinafter below:

*“5. Learned counsel for the respondents submits that as per the Instructions issued by the Government of Haryana, the widow/divorced daughters though are entitled for the grant of family pension but, the daughter should be widow or divorced at the time of death of her father, hence, as the husband of the petitioner had died much after the death of the father of the petitioner, no benefit can be extended.*

XXX                      XXX                      XXX

*7. It may be noticed that the family pension is to be paid to the daughter in order to see that widow or the divorced daughter is able to subsist herself. No justifiable reason has been given as to what difference it will make whether, the daughter is divorced at the time of the death of her father or get divorced after the death of the father. The prime issue is whether, the divorced/widow daughters are entitled to be sustained by giving them family pension or not. Even if a daughter gets divorce after the death of the father or become widow after the death of her father, she is entitled to be maintained. The classification which is being raised to decline the benefit that the father of the petitioner had died before the petitioner became widow, cannot be a ground to deny the benefit of family pension. The intention behind the extension of the said benefit is to be seen, which is that widow and divorced daughter needs to be maintained by giving them family pension. Hence, benefit of family pension should be extended irrespective whether, the daughter becomes widow or divorced after the death or was widow or divorced at the time of the death. Hence, the reasons being given by the respondents to deny the benefit is arbitrary and illegal and without looking into the claim for which the benefit was extended in favour of the widow or divorced daughter. Hence, from the date of the death of the husband of the petitioner, the respondents are directed to restore the family pension of the petitioner and the petitioner be paid all the arrears*

*starting from the said date. Let the order be complied with within a period of eight weeks of the receipt of copy of this order.”*

Learned State Counsel, on the other hand, submits that even though the aforesaid judgment is applicable to the facts of the present case, however, the State has already preferred a Letters Patent Appeal bearing No.2913 of 2024 against the said judgment, which has not been listed yet. He, however, does not dispute that no interim order has been passed in the aforesaid LPA.

Further, learned counsel for the petitioner contends that the respondents have already implemented the aforesaid judgment and the benefits due to the petitioner therein have also been released.

Under the given circumstances, since the issue in question is stated to be covered by the judgment dated 28.05.2024 passed in the matter of ***Ambika Vs. State of Haryana and Others (supra)***, coupled with the fact that no interim order has been passed in the LPA preferred by the State, I am of the opinion that the present petition deserves to be allowed in terms of the judgment dated ***28.05.2024 (Supra)***.

Ordered accordingly.

**JANUARY 31, 2025.**

*rajender*

**(VINOD S. BHARDWAJ)  
JUDGE**

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No