

No. 4/13/2014-2 Pension

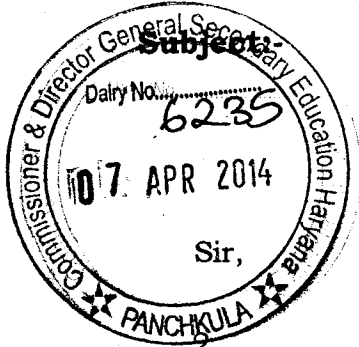
From

Additional Chief Secretary to Government Haryana,
Finance Department.

To

1. All the Heads of Departments in Haryana.
2. Commissioner, Ambala, Hisar, Rohtak & Gurgaon Division.
3. All the Deputy Commissioners & Sub Divisional Officers (Civil) in Haryana.
4. The Registrar, Punjab & Haryana High Court, Chandigarh.

Dated Chandigarh, the 31.03.14



- (i) CWP No. 15103 of 2002 (O&M)- Smt. Shakuntla Devi.**
(ii) CWP No. 10654 of 2002 (O&M)-Smt. Ram Pyari
(iii) CWP No. 1136 of 2003(O&M)- Smt. Chhoti Devi V/s State of Haryana & Others.

Kindly refer to the subject noted above.

The Assistant Registrar (Writs) Punjab and Haryana High Court, Chandigarh has forwarded a copy of judgment dated 6.12.2013 passed in **CWP No. 15103 of 2002 (O&M)- Smt. Shakuntla Devi.** **(ii) CWP No. 10654 of 2002 (O&M)- Smt. Ram Pyari** **(iii) CWP No. 1136 of 2003(O&M)- Smt. Chhoti Devi V/s State of Haryana & Others** regarding Family Pension Scheme wherein parents were excluded from the definition of family.

For guidance in all similar service cases in the light of the above said judgement of Hon'ble Punjab & Haryana High Court, a copy of judgement dated 6.12.2013 passed in **CWP No. 15103 of 2002 (O&M)- Smt. Shakuntla Devi.** **(ii) CWP No. 10654 of 2002 (O&M)- Smt. Ram Pyari** **(iii) CWP No. 1136 of 2003(O&M)- Smt. Chhoti Devi V/s State of Haryana & Others** has been uploaded on official website of Finance Department of Haryana Government at www.finhry.gov.in which can be download.

However the operative part of judgement dt.6.12.2013 is reproduced as under:-

"Petitioner's challenge is to the Family Pension Scheme wherein parents were excluded from the definition of family.

*This writ petition was admitted on 26.3.2004 and ordered to be heard along with CWP No. 4258 of 2003. That writ petition titled as Parkash Devi vs. State of Haryana and others regarding the same issue dismissed in terms of judgment of the Supreme Court in State of Punjab v. Devinder Kaur, J.T. 1999(10) S.C. 549. Issue involved in this case is the same. Accordingly this writ petition is also **dismissed** in terms of order passed in Parkash Devi's case (supra)"*

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The refereeing judgement dated **05.07.2004** passed in CWP no. **4258 of 2003** - Parkash Devi vs. State of Haryana & others, quoted in the judgement dated **06.12.2013** is also reproduced as under:-

*“Since the judgment of the Division Bench of this Court in Kharak Singh Kang's case (supra) vide which the order passed by the learned Single Judge striking down the definition of family excluding the parents from the ambit of Family Pension Scheme has been reversed by the Supreme Court, the petitioner's prayer for striking down the impugned Family Pension Scheme **cannot be accepted** and the consequential relief claimed by her for direction the respondents to pay family pension w.e.f 14.11.1998 cannot be entertained. Consequently, the writ petition is **dismissed.**”*

You are requested to take further necessary action in all such similar cases in light of the above stated judgment passed by the Hon'ble High Court.

Yours faithfully,

Sarla Ram

Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

A copy is forwarded to Chief Secretary to Government Haryana for information and necessary action.

Sarla Ram

Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

To

Chief Secretary to Government Haryana.

U.O. No.4/13/2014-2Pension Dt. Chandigarh, the **31.03.14**

A copy is forwarded for information and necessary action to:-

1. All Additional Chief Secretaries to Government Haryana.
2. All Principal Secretaries to Government Haryana.

Sarla Ram

Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

Subject:- (i) CWP No. 15103 of 2002 (O&M)- Smt. Shakuntla Devi.
(ii) CWP No. 10654 of 2002 (O&M)-Smt. Ram Pyari
(iii) CWP No. 1136 of 2003(O&M)- Smt. Chhoti Devi V/s State of Haryana & Others.

To

1. All the Additional Chief Secretaries to Govt. Haryana.
2. All Principal Secretaries to Government Haryana.

U.O. No. 4/13/2014-2Pension Dt Chandigarh, the **31.03.14**
Endst.No. 4/13/2014-2Pension Dt Chandigarh, the **31.03.14**

A copy is forwarded for information and necessary action to:-

1. Principal Accountant General (A&E)/Audit Haryana, Chandigarh.
2. In-charge, Computer Cell, Finance Department for placing the same on FD's website i.e. www.finhry.gov.in

Saeela Rami
Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.

Endst.No. 4/13/2014-2Pension Dt Chandigarh, the **31.03.14**

A copy is forwarded to all Deputy Secretaries/Under Secretaries to Govt. Haryana, Finance Department for information and necessary action.

Saeela Rami
Under Secretary Finance (Pension)
for Addl. Chief Secretary to Government Haryana,
Finance Department.