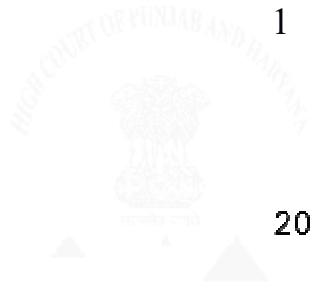


CWP-1457-2023



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

208

CWP-1457-2023(O&M)

Date of decision:14.11.2025

Laxmi Devi

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. R.K. Hooda, Advocate for the petitioner.

Mr. Piyush Khanna, AAG, Haryana.

Ms. Sehaj Sandhawalia, Advocate for respondents No.3 to 5.

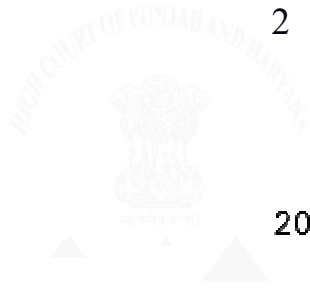
Mr. Lokesh Chander Aggarwal, Advocate for respondent No.7.

HARPREET SINGH BRAR, J. (Oral)

CM-13947-CWP-2024

The present application has been filed under Order 1 Rule 10 read with Section 151 CPC for impleading the applicant-Mukesh Kumar, as party-respondent No.8 in the writ petition.

Learned counsel for the petitioner does not oppose the prayer made in the application and submits that he has no objection to the present application being allowed.



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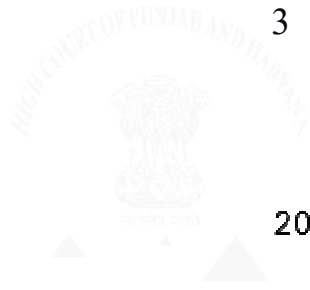


In view of the above, the present application is allowed and Sh. Mukesh Kumar, is ordered to be added as respondent No.8 and amended memo of parties is taken on record.

Registry to place the same at the appropriate place.

Main

1. The present petition has been filed under Article 226/227 of the Constitution of India seeking a direction to the Respondents to forthwith grant to the petitioner all pensionary benefits along with interest from the date of her husband's death, i.e., 05.01.1974.
2. Learned counsel for the petitioner *inter alia* contends that the factual matrix of the case, which spans nearly five decades, reveals a saga of administrative apathy and a persistent struggle for rightful dues. The petitioner's husband, Late Maha Singh, was appointed as Lineman-II in the Electricity Department on 24.06.1955 and served in the erstwhile Electricity Department of the Government of Haryana. On 05.01.1974, the husband of the petitioner died in harness while working as a Sub-Station Officer (S.S.O.) under the Executive Engineer (P) Division, Haryana State Electricity Board (HSEB), Ballabgarh.
3. Subsequently, the petitioner, an illiterate lady, received an ex-gratia payment of Rs. 6,026/-. Learned counsel argues that all other retiral benefits, including Family Pension, Gratuity, and Leave Salary, were never

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paid to the petitioner despite making numerous representations to the authorities concerned. Respondent No. 7 addressed a letter to the Executive Engineer, Ballabgarh, seeking particulars of the deceased employee vide communication dated 01.09.1987. In response, the Executive Engineer, vide letter dated 19.09.1989, wrote to the Superintending Engineer, OP Circle, Faridabad, requesting release of the retiral benefits. It was mentioned that the service book and relevant records had been sent to higher authorities on 28.12.1988 and that the deceased had been allotted GPF Account No. 16058, from which GPF deductions were regularly made.

4. Ultimately, the petitioner filed CWP-2122-2005, which was disposed of on 08.02.2005 with a direction to the respondents to consider the petitioner's representation by passing a speaking order (Annexure P-3). Learned counsel submits that despite the petitioner repeatedly approaching the authorities to trace the service record of her late husband for release of pensionary benefits, the matter was kept pending, with the departments merely exchanging correspondence without granting any substantive relief.

5. Thereafter, the petitioner received a copy of a letter dated 21.09.2006 (Annexure P-10) issued by the XEN (OP) Division, Ballabgarh to the Commissioner, Provident Fund, Faridabad, intimating that the petitioner's late husband had been a member of the EPF since 1962 and had opted for pension in the year 1971, with a request to decide the pension case

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at the earliest. The relevant portion of the letter dated 21.09.2006 is reproduced as under:

“In continuation to this office Memo No. 2983 dated 19.9.89, it is again intimated that Late. Sh. Maha Singh SSO was the member of EPF since 1962, and he has also opted the FPF Scheme 1971 and the deduction of FPF was continuously deducted from his salary till 5.1.1974.

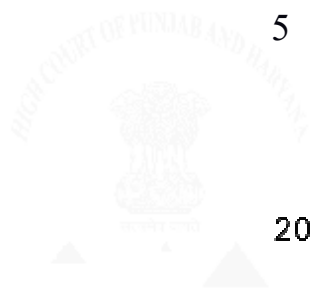
Now the widow of late Sh. Maha Singh visities this office time and again and reported that till date she has not received any family pension, where as this office has already submitted all the required documents/information in your office.

It is therefore again requested that the case of family pension of late Sh. Maha Singh may be considered sympathy and decided at the earliest under intimation to this office.”

6. The petitioner subsequently received a letter from respondent No. 7 dated 10.11.2006 (Annexure P-11) calling upon her to furnish copies of certain documents, including documents submitted after the death of her husband, as well as an attested photocopy of her bank account and an indemnity bond. The petitioner promptly complied and submitted all the required documents.

7. In the year 2007, the petitioner’s son separated from her and moved away, leaving the aged and illiterate petitioner without support. She became dependent on neighbors and later her married daughter. Subsequently, the petitioner suffered serious illness and even became paralytic in the year 2015, which rendered her incapable of pursuing her case. Upon legal advice, the petitioner filed applications under the RTI Act

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dated 14.09.2022 (Annexure P-14, P-15) to the DHBVNL and EPFO seeking information on the release of her pension. The DHBVNL, in its RTI reply dated 19.10.2022 (Annexure P-16) stated that information could not be supplied since the matter is very old and no record is available in the office. Left with no alternative, the petitioner, who is now more than 80 years of age and living in destitution, has approached this Court once again for redressal of her grievances.

8. *Per Contra*, learned counsel for the respondents submits that the retiral benefits of the deceased were duly released to the petitioner. This includes: a) Ex-gratia of Rs. 6,026/- (Annexure R-2/1, 19.08.1976); b) Gratuity of Rs. 6,219/- (Annexure R-2/2, 05.10.1989); c) Leave Salary arrears of Rs. 3,024/- and Rs. 366/-; and a difference in pay of Rs. 1,062.90 (04.02.1975). A consolidated letter dated 05.04.1989 (Annexure R-2/3) was sent to the HSEB Secretary detailing all these payments.

9. Learned counsel further submits that the deceased, Late Maha Singh, was a member of the Employees' Provident Fund (EPF) Scheme since 1962 and opted for the Family Pension Fund (FPF) in 1971 when it was introduced. He was, therefore, not covered under the GPF/Pension Scheme of the Board. This fact was brought to the notice of the petitioner vide letter dated 23.03.1989 (Annexure R-2/4). A GPF account was indeed opened (No. 16058), and an amount of Rs. 24/- was deducted in February 1969. However, upon the deceased's own representation dated 24.02.1972

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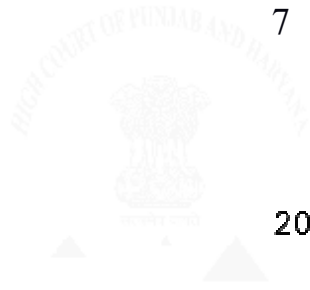


(Annexure R-2/5) stating that he was already a member of the EPF scheme, further GPF deductions were stopped. Thus, his substantive membership remained with the EPFO.

10. Moreover, learned counsel argues that the petitioner's Provident Fund claim was settled by the EPFO on 15.12.1987, as intimated to the department vide letter dated 12.09.2005 (Annexure R-2/7). The then Superintendent/Estt. for the Chief Engineer, HVPNL, Hisar, passed an order on 28.11.2005 (Annexure R-2/8) stating that all dues payable to the petitioner had already been made.

11. I have heard the learned counsel for the parties and have perused the record with their able assistance.

12. In the present case, the petitioner, an illiterate and destitute widow, has been compelled to run from pillar to post for nearly five decades and ultimately approach this Court in her struggle to secure the grant of family pension and other retiral benefits of her late husband. The petitioner's earlier writ petition was disposed of in 2005 with a direction to the respondents to decide her representation, yet the matter was kept pending with the departments merely exchanging correspondence without granting any substantive relief. The case paints a disheartening and distressing picture of administrative apathy compounded by the petitioner's advanced age, deteriorating health, and lack of effective legal assistance. An aged widow, already burdened by grief and financial hardship, is being made to suffer



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further because of systemic indifference and procedural neglect. Such situations highlight the unfortunate reality that those most in need of justice often find themselves most helpless in securing it. Left with no alternative, the petitioner was compelled to approach this Court once more, clinging to the faint hope that her plea would finally be heard.

13. What is particularly distressing is that, throughout her prolonged ordeal, the poor widow was kept completely uninformed about any decision regarding her claim. Adding to her torment, the DHBVNL, in its RTI reply dated 19.10.2022 (Annexure P-16), stated that the information sought could not be furnished as the matter was “very old” and no record was available with the office. Further, the Respondents, in their written statement, brought a completely new twist to the factual matrix by asserting that the petitioner’s deceased husband was not covered under the GPF/Pension Scheme of the Board.

14. This Court is of the considered opinion that Constitutional Courts bear a sacred obligation to uphold fundamental rights and to ensure that the constitutional vision extends its reach to the most vulnerable sections of society. Within this constitutional scheme, the role of the judiciary in safeguarding and providing relief to the voiceless, the marginalized, and those dwelling at the lowest rungs of the social and economic order assumes utmost importance.



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15. The Preamble solemnly enshrines the ideals of justice, social, economic, and political as the guiding promise to every citizen. Constitutional morality, therefore, demands that institutions act in a manner that honours human dignity and equality. Social justice is not a peripheral ideal but the very foundation of democracy, and the judiciary stands as the vigilant custodian of this commitment. When individuals from marginalized backgrounds lack the resources or the voice to vindicate their rights, it becomes the duty of the constitutional courts to ensure that those rights do not remain merely theoretical or illusory. The principle of constitutional compassion, grounded in human dignity, empathy, and the upliftment of the oppressed has guided this approach. Extending relief to a voiceless 80 year old widow and securing her rights is thus not a matter of judicial discretion or benevolence, rather it is a constitutional imperative anchored in the Preamble and Articles 14, 19, and 21 of the Constitution. Whenever Courts fail to protect the weakest, the constitutional promise stands diminished. But when they rise to defend them, the transformative spirit of the Constitution shines in its truest form.

16. Curiously, all departmental communications annexed with the present writ petition indicate that the petitioner is entitled to the relief claimed. Moreover, it is incomprehensible how the deceased could have been allotted a GPF Account Number if he was not covered under the Board's GPF/Pension Scheme. This Court is further constrained to note that the Respondents have consciously chosen to file only short replies rather

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than a para-wise reply to the writ petition, and the documents relied upon by the petitioner have not been specifically controverted. It is also unclear why the Respondents failed to rely upon Annexure R-2/4 in the earlier writ petition filed by the petitioner (CWP No. 2122-2005).

17. In view of the above, the Principal Secretary or Administrative incharge, Electricity department, Government of Haryana is directed to personally examine the veracity of the petitioner's claims within a period of two months from the date of receipt of a certified copy of this order and to ensure that all lawful benefits due to the petitioner are released to her forthwith.

18. The present petition is disposed of accordingly. Pending miscellaneous applications, if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

November 14, 2025

P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No