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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Date of Decision: 10.02.2026*+ W.P.(C) 8699/2020 & CM APPL. 28043/2020 CM APPL.  
28044/2020

GOVT OF NCT OF DELHI &amp; ANR. ....Petitioners

Through: Mr. Yeeshu Jain, ASC with Ms. Jyoti  
Tyagi and Ms. Priya Shukla, Adv

versus

SMT DARSHANA SHARMA

....Respondent

Through: Mr. Ankur Chhibber, Adv.

**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed challenging the order dated 26.04.2016 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('the Tribunal'), whereby the Tribunal has allowed the Original Application No. 2174/2017 ('O.A.') filed by the respondent herein by stating in paragraph 7 as under: -

*"7. In view of above discussions, I hold that the claim of the applicant has been allowed earlier at par with Kishori Lal, Shrichand, Mangat Ram, Surendra Kumar, A.S. Bhati, Vijay Pal, Dalbir Singh, RP Rohilla, RamKishan, Subhash Chander and various others. The OA is accordingly disposed of with the following directives: -*

*(i) The respondents will release the Liberalized posthumous Pension as per provisions contained in CCS Extraordinary Pension Rules, appendix 3 to the CCS Pension Rules equivalent*



*to the last pay drawn by the late husband of the applicant from the date of his death till the date of retirement or till the applicant remarries.*

*(ii) The respondents will also extend such benefits uniformly to all such similarly situated widow/dependants of those who have laid down their lives in firefighting and rescue operations, as per rules.*

*(iii) Insofar as rate of interest is concerned, I hold that the applicant should not be wantonly - extractive. Hence, the respondents are directed to release the arrears of aforementioned benefits with interest at the rate of 6% under the Liberalized posthumous Pension Provisions from the date it fell due till the date of actual payment.*

*(iv) The consequential benefits arising from the above are also to be paid to the applicant, along with cost of Rs. 10,000/-."*

2. At the outset, we may state that, as informed by Mr. Ankur Chhibber, learned counsel for the respondent, the petitioners have implemented the order of the Tribunal insofar as the sole respondent herein is concerned.

3. At this stage, Mr. Yeeshu Jain, learned counsel appearing for the petitioners submits that the challenge in this writ petition is only to the extent of direction (ii) as reproduced above wherein the Tribunal has directed to extend the benefit of Liberalized Posthumous Pension ('liberalised family pension') to all similarly situated widow/dependants of those who have laid down their lives in firefighting and rescue operations as per the Rules.

4. Mr. Chhibber states that this direction is primarily because of the resolution passed by the MCD when the fire services were under the corporation.

5. In this regard, he has drawn our attention to page 57 of the paper-book, wherein the resolution no. 577 of the MCD has been depicted as under: -



*“Resolution No. 577: Resolved further that in future the widows/dependents of the fire personnel dying in the fire fighting and rescue operations be paid every month a sum equal to the pay and allowances being drawn by them at the time of their death till the date of their retirement had they been alive.”*

6. According to him, the direction should not be interfered with, as it shall apply to similarly placed persons like the respondent herein and the direction of the Tribunal in that regard cannot be held to be arbitrary or erroneous, more so, when the direction (ii) has been issued, to be in conformity with rules.

7. On this Mr. Yeeshu Jain, has drawn our attention to page 104 of the paper-book to contend that the issue of liberalized family pension to the family of fire officers/officials of Delhi Fire Service who died while fighting major fire incidents was taken up by the Government of NCT of Delhi with the Ministry of Home Affairs, Government of India. The Ministry has opined that the action with respect to the claims for liberalized family pension in respect of such family members must be decided in accordance with the opinion rendered by the Department of Pension and Pensioners Welfare, Government of India; as reproduced below:-

*“Department of Pension and Pensioners Welfare  
Desk F*

*Reference note of MILA from page 1-3/ante.*

*2. Under consideration in this file is proposal to grant family pension to the family of nine Delhi Fire Service personnel who died while on duty in a major incident of fire at Kirti Nager, Shahdara & Nai Sarak in Delhi. In the Instant Case, the family is entitled to get extra ordinary family pension under CCS (EOP) Rules viz 60% of basic pay subject to a minimum of Rs.2500/- (revised to Rs.2000), s applicable to Categories ‘B’ & ‘C’.*

*3. Instead of above, the proposal of Government of NCT of Delhi is to*



*grant family pension equal to the pay last drawn by the deceased Delhi Fire Service personnel under Liberalized Pensionary Award, which is applicable to Categories 'D' & 'E'. MHA is of the view that existing instructions may be amended to cover the above cases or the scope of category 'E' be expanded to include the cases of Fire service personnel.*

*4. The question of family pension equal to the pay last drawn by them would arise on death under circumstances as specified under Categories 'D' & 'E'. Death of Fire Service personnel is clearly covered under the Categories 'B' & 'C'. Therefore question of re-categorization as proposed by the MHA does not arise.*

*5. Moreover, in an area where major incident of fire has occurred, the entire civilian population is also at a grout risk. It is doubtful, whether in such circumstances we can hold that Fire Service Personnel are at a greater risk especially when the risk is ingrained in their service conditions and the pay and pension structure takes care of this risk which is not available to the civilian population. It would, therefore, be inappropriate to make special provision for Fire Service Personnel within the statutory Rules governing all civilian employees as this could give rise to-wide repercussions. If the MHA are convinced about the high risk factor, they may provide adequate compensation within pay/salary structure of the Fire Service personnel of Government of NCT of Delhi with the concurrence of the Ministry of Finance, or ret up a benevolent fund in MIHA for welfare of the Fire Fighting Personnel of Government of NCT of Delhi.*

*6. Family pension represents the Government's effort to provide some security to the family of a Government Servant. In the Instant case this has been well taken care as the family is entitled for extra ordinary family pension under CCS (EOP) Rules viz 60% of basic pay subject to a minimum of Rs.2500/- (revised to Rs.7000/-) which is double the amount of normal family pension under CCS (pension) Rules, 1972.*

*7. Moreover, extraordinary Family Pension and Liberalized Pensionary Award are two distinct categories of family pension. The former is granted when the death of the Government servant has distinct casual relation to the duty of the Government server. In the latter case the death not only has a distinct casual relation to the duty of the Government servant but is also under certain special circumstances as specified under Categories 'D' & 'E'.*

*8. Family pension under different categories are covered under distinct sets of Statutory Rules/Orders. It would not be fair to equate death occurring due to accidents in the actual performance of duties with that*



*of death occurring due to acts of violence by terrorists, anti-social elements, during enemy action etc.*

*9. Therefore, family pension has to be sanctioned under respective category on the basis of Rules or the Government orders applicable to the category conversion of family pension covered under one category into family pension under another category would be arbitrary and not sustainable in law.*

*10. In view of the above, we may not agree with the re-categorization or the scope of Category 'E' be expanded to include the cases of fire services personnel as proposed by the MHA."*

8. The submission of Mr. Yeeshu Jain, is that a general direction in the manner given by the Tribunal is not sustainable, as every case has to be seen in its own facts and as per the Rules which govern the payment of liberalized family pension.

9. Mr. Chhibber, states that the Government of India has issued instructions on liberalized family pension to cover cases of the nature which fell for consideration before the Tribunal and in this petition.

10. If that be so, appropriate shall be for us to reiterate the directions as given by the Tribunal to say that each case has to be seen in its own facts and in accordance with the Rules, which shall also include the instructions issued by the Government of India.

11. At this stage, Mr. Chhibber, states that the respondent has expired on 05.11.2023 and she has not been paid the liberalized family pension from 20.10.2020 till her death.

12. The plea urged by Mr. Chhibber shall be verified/looked into by the petitioners, and if the same has not been paid, the same shall be paid to the legal heirs of the deceased respondent, upon verification, with interest at the rate of 6% per annum.



2026:DHC:1100-DB



13. The petition is disposed of.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**FEBRUARY 10, 2026**

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