

**(2020) 07 SHI CK 0158**  
**In the High Court Of Himachal Pradesh**  
**Case No : CWPOA No. 7068 Of 2019**

Asha Alias Shakuntla

APPELLANT

Vs

State Of Himachal Pradesh & Others

RESPONDENT

**Date of Decision :** 16-07-2020

**Acts Referred:**

**Citation :** (2020) 07 SHI CK 0158

**Hon'ble Judges :** Ajay Mohan Goel, J

**Bench :** Single Bench

**Advocate :** Ramesh Kaundal, Sumesh Raj, Dinesh Thakur, Sanjeev Sood, Divya Sood, Ashok Kumar

**Final Decision :** Disposed Of

## Judgement

Ajay Mohan Goel, J

1. The issue involved in the present writ petition is with regard to the entitlement of the present petitioner as well as private respondents towards the family pension as well as other pensionary emolument, if any, on account of the death of Shri Kamal Kishore.

2. It is not in dispute that the petitioner is the first wife of late Shri Kamal Kishore, who died on 23.04.2015. Shri Kamal Kishore was serving in the Panchayati Raj Department of the Government of Himachal Pradesh and he superannuated from the services from the said department. It is also not dispute that respondent No.4 is the second wife of late Shri Kamal Kishore, whereas respondents No.5 to 8 have been born out of this wedlock between Shri Kamal Kishore and respondent No.4.

3. Having heard learned counsel for the parties as well as learned Additional Advocate General and taking into consideration the fact that it stands admitted in the reply which has been filed by the private respondents that respondent No.4 happened to be the second wife of deceased Shri Kamal Kishore, there is not doubt in the mind of the Court that the petitioner as well as the children of Shri

Kamal Kishore, who were born out of the wedlock between him and respondent No.4 (Smt. Suekha), are entitled to family pension as well as other pensionary dues on account of death of Shri Kamal Kishore.

4. This writ petition is, accordingly, disposed of with the direction to respondent No.1, to pay the family pension and release other pensionary benefits in favour of the petitioner as well as respondents No.5 to 8 in the ratio of 50- 50. In other words, out of the total family pension to which family of deceased Shri Kamal Kishore is entitled to, 50% of the amount shall be released in favour of the petitioner and the balance 50% of the amount shall be released proportionately in favour of respondents No.5 to 8. Similarly, other pensionary dues of Shri Kamal Kishore shall also be released in favour of the parties in the same ratio. Needful shall positively done within 30 days from today.

5. Petition stands disposed of in above terms. Pending miscellaneous applications, if any, stand disposed of.