
(2005) 05 RAJ CK 0038
In the Rajasthan High Court
Case No : Civil Writ Petition No. 6349 of 2003

Chhoti Devi (Smt.)

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

Date of Decision : 09-05-2005

Acts Referred:

Citation : (2006) 1 RCR(Criminal) 496 : (2005) 4 RLW 2212 : (2005) 2 WLC 152

Hon'ble Judges : Asok Parihar, J

Bench : Single Bench

Advocate : R.K. Sharma, for the Appellant; H.V. Nandwana, Dy. G.A., for the Respondent

Final Decision : Allowed

Judgement

Ashok Parihar, J.—Husband of the petitioner died while in service working as Beldar. Though CPF amount has been paid to the petitioner, however, family pension has not been paid so far. Initially it has been submitted that the husband of the petitioner did not submit any option for pension. However, it reveals that though the option form has duly been submitted by the husband of the petitioner during his life time, however, as per contention raised by the respondents, the same had not been accepted by the concerning authorities prior to his death. It was only on this ground the family pension has been denied to the petitioner.

2. The death is always uncertain and unforeseen. Since the husband of the petitioner has already filled in the option form prior to his death on 10.11.1982, it is irrelevant whether the same had been accepted by the concerning authorities in time or not. Be that as it may, since the controversy under similar circumstances has already been decided by this Court in the case of Smt. Prabhati Devi v. State of Raj. and Ors., S.B. Civil Writ Petition No. 5302/1999, decided on 22.10.2002, which has further been affirmed by the Division Bench of this Court, in my opinion, the petitioner is also entitled for the relief, as claimed.

3. Accordingly, the writ petition is allowed. Respondents are now directed to

grant family pension to the petitioner as per relevant rules after adjusting the amount of CPF without charging any interest on the CPF. Since no valid justification has been given by the respondents In not giving the benefit to the petitioner, an interest @ 10% may also be paid to the petitioner on the amount due from the date of death of the petitioner till the same is paid. The amount has unnecessarily been withheld for the last more than 22 years. In the interest of justice, I also deem it proper to direct the respondents to pay a cost of Rs. 10,000/- to the petitioner alongwith the arrears, referred above. The entire payment be made within three months from the date of receipt of certified copy of this order.