
(2017) 02 P&H CK 0164
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 4572 of 2015

Daljeet Kaur

APPELLANT

Vs

Haryana Vidyut Parsaran Nigam Limited

RESPONDENT

Date of Decision : 02-02-2017

Acts Referred:

Citation : (2017) 2 SCT 509

Hon'ble Judges : Kuldeep Singh, J.

Bench : Single Bench

Advocate : Rishab Gupta, Advocate, for the Petitioner; S.K. Mahajan, Advocate, for the Respondents

Final Decision : Dismissed

Judgement

Kuldeep Singh, J. (Oral) - In the instant writ petition, the petitioner claims the release of family pension in the name of the petitioner w.e.f. 01.09.2012 along with the arrears.

2. Petitioner was married with one Harwail Singh, who was working as T-Mate with the respondent. Harwail Singh died on 19.06.1990 in harness. Thereafter, the family pension was sanctioned in the name of the petitioner. In the year 1994, petitioner re-married with one Rajinder Kumar son of Kosh Raj. Accordingly, pension in the name of the petitioner was stopped and it was sanctioned in favour of minor-Harjeet Singh son of Harwail Singh. Thereafter, petitioner got divorce from her second husband-Rajinder Kumar on 29.01.2009. Harjeet Singh minor died on 24.08.2011. Now, the petitioner claims that family pension of Harwail Singh should be released to her.

3. In the written statement, the State has taken the stand that petitioner having re-married could not be entitled to family pension.

I have heard learned counsel for the parties and carefully gone through the record of the case.

4. The definition of family given in Rule 14 of the Punjab Civil Services Rules, Volume II, Chapter 6 as applicable to Haryana (for short, "Rule"). The Rule makes it clear that widow is entitled to family pension only till the date of re-marriage. Once she is re-married, she is not entitled to family pension. In the present petition, as per her own showing, after the death of her first husband, petitioner had re-married in the year 1994 and got divorce from her second husband on 29.01.2009, i.e., after 15 years of the second marriage. It being so, petitioner is not entitled to family pension on account of death of her first husband-Harwail Singh.

5. In view of the above, the petition is dismissed.