

(2024) 05 SHI CK 0054

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 3593 Of 2024

Kamla Devi

APPELLANT

Vs

Chaudhary Sarwan Kumar Himachal Pradesh Krishi
Vishvavidyalaya, Palampur & Another

RESPONDENT

Date of Decision : 06-05-2024

Acts Referred:

Citation : (2024) 05 SHI CK 0054

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Arun Raj, Prince Chauhan

Final Decision : Dismissed

Judgement

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Ajay Mohan Goel, J

1. By way of this petition, the petitioner has, inter alia, prayed for the following relief:-

"a) That the respondents may be directed to allow the petitioner to get the family pension of her deceased husband after switching over from "CPF-cum-Gratuity Scheme" to "GPF-cum-Pension-cum- Gratuity Scheme" and allot her the GPF Account Number on the basis of judgment dated 17.04.2023 in LPA No.46/23 vide Annexure P-5 and respondents may kindly be ordered to consider the case of the petitioner within a time bound period manner with all consequential benefits."

2. Having heard learned counsel for the petitioner, this Court is of the considered view that the present Writ petition is not maintainable.

3. The petitioner happens to be the widow of late Shri Dhani Ram. Late Shri Dhani Ram was an employee of the respondent-University. He superannuated in the year 2006 from the post of beldar. He died in the year 2022. During his life

time, Shri Dhani Ram never raised the issue of switching over from CPF-cum-Gratuity Scheme to GPF-pension-cum-Gratuity Scheme. That being the case, after the death of Shri Dhani Ram, the widow of Shri Dhani Ram is entitled for the family pension which flows from whatever scheme had been consented to by late husband of the petitioner for the purpose of receiving pension.

4. This Court is of the considered view that the issue of switching from one Pension Scheme to another Pension Scheme was a matter personal to late husband of the petitioner and the petitioner cannot be permitted to enter into his foot steps for praying this kind of a relief.

5. This Court is not oblivious to the fact that the petitioner happens to be the widow of late employee of the respondent-University, but fact of the matter remains that her only right after the demise of her husband is to receive family pension and it is not her case that family pension is not being paid to her in terms of the pensionary scheme etc., on the basis of which the deceased husband of the petitioner was granted post retiral benefits.

6. Therefore, as this Court is of the considered view that the present petition is not maintainable, the same is dismissed, so also the pending miscellaneous applications, if any.