
(2026) 01 P&H CK 1847

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 5763 Of 2023 (O&M)

Kusum Lata

APPELLANT

Vs

State Of Haryana And Others

RESPONDENT

Date of Decision : 20-01-2026

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2026) 01 P&H CK 1847

Hon'ble Judges : Jagmohan Bansal, J

Bench : Single Bench

Advocate : J.S.Saneta, Teevar Sharma

Final Decision : Dismissed

Judgement

Jagmohan Bansal, J

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 22.10.2022 whereby her claim for family pension despite being widowed daughter of deceased employee has been rejected.

2. Sh. Mangat Ram was serving in Haryana Police as Sub Inspector (SI). He retired on 31.06.2006 on attaining the age of superannuation. Petitioner claims that she is daughter of late Sh. Mangat Ram. Mangat Ram solemnized marriage with Smt. Lajwanti and from this wedlock, six children including petitioner were born. The petitioner solemnized marriage with Balbir Singh son of Mam Chand. Two children were born from this wedlock. Balbir Singh, husband of the petitioner passed away on 06.09.2018. Mangat Ram passed away on 27.11.2020. Mangat Ram solemnized second marriage with Smt. Somati Devi-respondent No.4. Two children were born from this wedlock. The petitioner claims that marriage of Mangat Ram with Somati Devi was null and void because it was solemnized without dissolution of first marriage. The first marriage was dissolved by decree of divorce dated 29.04.1992 passed by District Judge, Ambala. The petitioner

made a representation dated 04.10.2021 to respondent to grant her family pension being widowed daughter. The respondent vide communication dated 22.10.2021 has rejected her claim. She served legal notice dated 19.11.2021 upon the respondents.

3. As per reply filed by respondent, the petitioner's mother filed Civil Suit No.2051 of 2021 before Civil Judge, Karnal. The said suit is still pending. The petitioner furnished an affidavit dated 15.04.2021 deposing that she has no objection if family pension is granted to her mother. As per official record, Mangat Ram joined Haryana Police as Constable on 05.01.1996 and retired as SI on 30.06.2005. At the time of retirement, he submitted list of his family members which did not include name of petitioner and her mother. Somati Devi was declared as wife. Mangat Ram submitted an affidavit dated 07.02.2005 deposing that he solemnized marriage with Lajwanti. The said marriage was dissolved vide decree dated 29.04.1982 passed by District Judge, Ambala. Somati Devi is his legally wedded wife. The nomination in his service book may be changed. In view of service record and affidavit of Mangat Ram, the respondent initially issued PPO in favour of Mangat Ram and after his death family pension was released to Somati Devi.

4. On being confronted with the fact that petitioner's mother has filed Civil Suit and this Court cannot hold while exercising power under Article 226 of the Constitution of India that second marriage of Mangat Ram was null and void, learned counsel for the petitioner seeks permission to withdraw the instant petition with liberty to avail remedies as permissible by law.

5. Dismissed as withdrawn with aforesaid liberty.

6. Pending Misc. application(s), if any, shall stand disposed of.