

Court No. - 7

Case :- WRIT - A No. - 8043 of 2023

Petitioner :- Smt. Ranjita Agrawal

Respondent :- U.O.I Thru. Secy. Ministry Personnel P.G. And Pension, Dept. Pension, Pensioners Welfare And Others

Counsel for Petitioner :- Ashok Kumar Pathak, Ram Chandra Dwivedi

Counsel for Respondent :- A.S.G.I., Sanjeev Singh

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner, Sri Ambrish Rai, learned counsel for respondents no.1 and 2 and Sri Sanjeev Singh, learned counsel for respondents no.3 to 5.
2. Instant petition has been filed by a married daughter of the deceased employee of the Life Insurance Corporation of India, who died on 09.07.2014, claiming family pension.
3. The contention of learned counsel for the petitioner is that the petitioner is the married daughter of the deceased employee and is also physically handicapped as per the certificate issued by the Chief Medical Officer, Gorakhpur, a copy of which is Annexure-3 to the writ petition. Placing reliance on the office memorandum issued by the Government of India dated 16.01.2013, a copy of which is Annexure-4 to the writ petition, the contention is that the petitioner in the capacity of being a married disabled daughter of the deceased employee she is entitled for life long pension or till such time the petitioner starts earning her own livelihood. It is contended that considering the physically handicapped certificate issued by the competent authority as well as the office memorandum issued by the Government of India dated 16.01.2013 the Corporation be directed to pay family pension to the petitioner.
4. On the other hand, Sri Sanjeev Singh, learned counsel appearing for the Corporation, states that the Corporation has got its own service rules including pension rules namely Life Insurance Corporation of India (Employees) Pension Rules, 1995 which do not provide for payment of any family pension to the disabled married daughter of the deceased employee. It is also contended that the orders issued by the Government of India are not binding/applicable on the Corporation.
5. Having heard learned counsel for the parties and having

perused the record, what emerges is that the petitioner in the capacity of being a married disabled daughter of the deceased employee of the LIC is claiming family pension. Apart from the fact that the Corporation has got its own pension rules which do not provide for payment of family pension to the disabled married daughter of the deceased employee, the Court may also notice that the physical handicapped certificate as annexed by the petitioner does not even indicate the extent of disability of the petitioner i.e. as to whether the disability is permanent or the percentage of disability suffered by the petitioner.

6. Considering the aforesaid no case for interference is made out. The writ petition is accordingly dismissed.

Order Date :- 18.10.2023

A. Katiyar