

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**Civil Writ Petition No.14758 of 2014
Date of decision: 15.05.2015**

Shiv Charanjit Puri

....Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. Mohit Garg, Advocate for the petitioner.

Mr. P.P.S. Thethi, Addl. A.G., Punjab.

DAYA CHAUDHARY, J. (Oral)

The case of the petitioner is that he was married in the year 1979 and out of said wedlock, five children were born. Unfortunately, the wife of the petitioner expired on 04.05.1999. After the death of earlier wife, the petitioner re-married in the year 2000 and from the second wedlock, he is having two children.

Learned counsel for the petitioner submits that the claim of the petitioner has wrongly been rejected in view of provisions of Notes-I and II below Rule 6.17(4) of Punjab Civil Services Rules, Volume-II, which are not applicable. Learned counsel also submits that Rule 6.17(4)(1) is applicable when the Government employee is survived by more than one widow and the pension will be paid to them in equal shares. He further submits that by misinterpreting/misreading of the said Rule, the impugned order has been passed. He also submits that the petitioner is still alive and is living with second wife.

The submission made by learned counsel for the petitioner has not been disputed by learned State counsel.

On perusal of the impugned order (Annexure P-1), it reveals that the order has wrongly been passed as per Notes-I and II below Rule 6.17(4) of Punjab Civil Services Rules, Volume-II, which are not applicable.

Accordingly, the impugned order dated 24.04.2012(Annexure P-1) is quashed and respondent No.2 is directed to pass a fresh order within a period of four weeks from the date of receipt of certified copy of this order and the necessary relief be granted to the petitioner as per relevant provisions of the Rules.

(DAYA CHAUDHARY)
JUDGE

May 15, 2015
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