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MS. ANSHUL KUMARI

..... Petitioner

Through

versus

RESERVE BANK OF INDIA & ANR

..... Respondents

Through

Mr. K.S. Parihar, Advocate for RBI

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)CORAM:

1. By this writ petition filed under Article 226 of the Constitution of India, the petitioner, who is an unmarried daughter of the deceased employee of respondent no.1/Reserve Bank of India(RBI), Sh. Birbal Singh, seeks family pension.

Ajay Pal till he attained the age of 25 years and thereafter family pension was paid to the petitioner till she attained the age of 25 years. Thereafter, in terms of the applicable service regulations of the respondent no.1/RBI, respondent no.1/RBI stopped paying family pension to the petitioner as petitioner had crossed the age of 25 years on 04.04.2009.

3. The petitioner to seek relief in this writ petition relies upon the CCS (Pension) Rules, 1972 applicable to the Central Government employees along with office memorandum issued by the Central Government, and as per these provisions and regulations, Central Government continues family pension even if unmarried daughter crosses the age of 25 years.

4. The respondent no.1/RBI, however, has no such service rule and respondent no.1/RBI as per its service rules is only obliged to pay pension to the unmarried daughter till the time the unmarried daughter reaches the age of 25 years.

5. This Court cannot change the service rules of the organisation inasmuch as, what should be the service rules, is for the employer to decide and not for this Court to decide.

6. In view of the above, the petitioner is not entitled for the grant of the

family pension after her crossing the age of 25 years.

7. The writ petition is dismissed accordingly.

VALMIKI J. MEHTA, J

MAY 29, 2015/*hkaur*