

CWP No. 24482 of 2013

207

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

CWP No. 24482 of 2013

Date of Decision: 17.08.2016

URMLA DEVI @ HARPREET KAUR & ORS

... Petitioner

VS.

STATE OF PUNJAB & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Manish Dadwal, Advocate,
for the petitioners.

Mr. Amit Chaudhary, Addl. A.G., Punjab.

Mr. M.K. Bhatnagar, Advocate,
for Mr. J.S. Dhaliwal, Advocate,
for respondent No. 4.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest?*

KULDIP SINGH, J. (Oral)

Brief facts of this case are that Dr. Gurdev Singh Preet retired as Director, Department of Health and Family Welfare, Punjab on 28.02.2002 and he was drawing pension from the Punjab Government. Dr. Gurdev Singh Preet was married to Kulwant Kaur who expired on 04.11.2012. Since, no issue was born from this wedlock, Dr. Gurdev Singh Preet married Urmila Devi @ Harpreet Kaur-petitioner No. 1 and from the said wedlock, one son-Amanpreet Singh and one daughter-Varun Preet Kaur was born on 10.03.1993 and 30.12.1994 respectively.

According to the petitioner, she made a claim for family pension vide letter dated 22.02.2013 (*Annexure P-4*) but vide letter dated 10.04.2013 (*Annexure P-5*) she was informed that no action was being taken on the same.

The petitioners has claimed family pension under Rule 6.16B (1) of the Punjab

CWP No. 24482 of 2013

Civil Services Pension Rules, wherein, wife and wives including judicially separated wife or wives are entitled to family pension.

It comes out that one Tejinder Preet Kaur-respondent No. 4 was claiming to be the adopted daughter of Dr. Gurdev Singh Preet. Now, the petitioners and respondent No. 4 have effected a compromise dated 08.02.2016 copy of the same has been placed at (*Annexure P-9*) wherein the respondent No. 4 has given up her claim regarding family pension and is ready to furnish an affidavit, if so required. The fact remains that the petitioner No. 2 and 3 are the children of Dr. Gurdev Singh Preet and petitioner No. 1 who is the second wife of the Dr. Gurdev Singh Preet.

The order dated 10.04.2013 (*Annexure P-5*) makes an interesting reading, denying the representation of the petitioner. The same is reproduced as under: -

“No action is being initiated by this office regarding the matter mentioned in the subject cited above.”

I am of the view that once the petitioner No. 1 claimed that she is the second wife of Dr. Gurdev Singh Preet and petitioners No. 2 and 3 are their children, the State was required to consider the document and pass the speaking order but it was not done in the present case. Now, even on behalf of the State, it is not denied that Dr. Gurdev Singh Preet had married Urmila Devi @ Harpreet Kaur during the lifetime of his first wife Kulwant Kaur. Therefore, under Rule 6.16B (1), the petitioners are entitled to the family pension.

In the circumstances, the respondent-State is directed to process the case of the family pension in respect of the petitioners and grant the family pension in accordance with the Rules.

CWP No. 24482 of 2013

Necessary order be passed within one month from the receipt of the copy of this judgement.

Needless to say that in the eventuality of the family pension being granted to the petitioners, the respondent State shall also pay the interest @ 6 % per annum to the petitioners on the delayed payment of family pension.

In view of the above observations, the petition stands allowed.

August 17, 2016
Suresh Kumar

[KULDIP SINGH]
JUDGE

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>