

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

**CWP No.22486 of 2014 (O&M)
Date of decision : November 15, 2016**

Vismel Kaur

..... Petitioner

Versus

The State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Ajaivir Singh, Advocate for the petitioner.

Mr. Anshul Gupta, AAG, Punjab.

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)

Partap Singh, who was working as Deputy Superintendent of Police retired from service on 19.07.1974 on attaining the age of superannuation. He had two wives, namely Gurdev Kaur and Vismel Kaur (present petitioner). Gurdev Kaur died on 19.05.2011. Later on, Partap Singh died on 06.03.2014, leaving behind petitioner Vismel Kaur, widow wife. Gurdev Kaur had two children, both of them are major and married. The full pension of the petitioner has been disallowed vide order dated 29.01.2013 (Annexure P-5), stating that as per Note-I of Rule 6.17 of Punjab Civil Services Rules, Volume-II, in case the Government employee is survived by more than one widow, the pension will be paid to them in equal share and on the death of a widow, her share of the pension will become payable to her child and the payment of her share of pension will be ceased.

After hearing learned counsel for the parties, I am of the view that the Rule 6.17 of Punjab Civil Services Rules, Volume-II has been wrongly applied. The status was to be seen at the time of the death of the employee. In this case, the employee died on 06.03.2011. At the time of his death, his one wife, namely, Gurdev Kaur had already pre-deceased him. Therefore, at the time of death of employee, he left behind only one widow, namely, Vismel Kaur (present petitioner). Gurdev Kaur did not leave behind any minor child. Thus, the present petitioner is the only legal heir of Partap Singh. Rule 6.17 of Punjab Civil Services Rules, Volume-II is not attracted in the present case.

Therefore, the present petition is allowed. The respondents are directed to grant full pension to the petitioner from the date of death of Partap Singh (deceased retired employee).

(KULDIP SINGH)
JUDGE

November 15, 2016

sarita

Whether speaking / reasoned Yes

Whether Reportable: No