

121

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.3619 of 2016

Date of decision: February 23, 2016

Phool Pati @ Phooli

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Dr. Suresh Kumar Redhu, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of Certiorari challenging the letter dated 18.06.2014 (Annexure P-12), whereby, claim of the petitioner for grant of family pension, was rejected.

The case of the petitioner, in brief, was that Partap Singh husband of the petitioner was working with Central Reserved Police Force. Saria Devi was married to Kitab Singh, who was real brother of Partap Singh. Kitab Singh died in the year 1972 and marriage of Saria Devi was performed with Partap Singh. However, Saria Devi never accepted the said *karewa* marriage and no child was born out of the said wedlock. As per the revenue record, Saria Devi was shown as widow of Kitab Singh. Invalid pension

was sanctioned in favour of Partap Singh on 14.03.1977. Since Saria Devi had not accepted *karewa* marriage with Partap Singh, he (Partap Singh) performed marriage with the petitioner on 25.05.1985 and three children were born out of the said wedlock. During his lifetime, Partap Singh submitted an application to his Department for nomination of the petitioner for release of pensionary benefits. Official respondents directed Partap Singh to supply certain documents. In reply to the said letter, Partap Singh submitted the requisite documents. Partap Singh died on 28.11.2008. Thereafter, petitioner submitted an application for release of family pension to her. She also submitted affidavit dated 07.03.2009 of Saria Devi along with the application, wherein, she had stated that she wanted to transfer the pension in favour of the petitioner. However, official respondents had declined the request of the petitioner vide Annexure P-12. Hence, the present petition by the petitioner.

I have heard learned counsel for the petitioner and have gone through the record available on the file carefully.

Admittedly, Partap Singh had initially submitted the nomination form on 10.01.1977 for family pension and death-cum-retirement gratuity (DCRG) in favour of his wife Saria Devi. After the death of Partap Singh, family pension

has been released to Saria Devi. The claim of the petitioner for release of family pension to her has been declined by the official respondents on the ground that as per the record maintained by them, Partap Singh had nominated Saria Devi for family pension and DCRG. Admittedly, Partap Singh had not legally divorced Saria Devi who was his first wife. Thus, Saria Devi was lawfully wedded wife of Partap Singh and was entitled to get family pension after the death of Partap Singh. So far as the petitioner is concerned, she is admittedly second wife of Partap Singh. During the lifetime of Saria Devi and subsistence of marriage of Partap Singh with Saria Devi, petitioner could not be granted the relief of family pension.

In the facts and circumstances of the present case, no ground for interference by this Court while exercising the jurisdiction under Article 226 of the Constitution of India, is made out.

Dismissed.

**(SABINA)
JUDGE**

February 23, 2016
mahavir