

CWP-5846-2016

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

CWP-5846-2016

Date of Decision: 30.03.2016

Anita

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Dalel Singh Nain, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the letter/reply dated 11.11.2013 (Annexure P-6) whereby claim of the petitioner for releasing her widow pension and student fund for her minor children has been denied by the respondents merely on the ground that she has performed karewa marriage/re-marriage.

I have heard learned counsel for the parties and perused the record.

It is the case of the petitioner that her husband expired in a

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road accident and she applied for widow pension and student fund for her minor children. The case of the petitioner was sent to respondent No.4 on 22.03.2013. However, the widow pension was not disbursed to the petitioner due to karewa/re-marriage by her with one person Raghubir Singh.

The eligibility criteria as mentioned in notification (Annexure P-2) dated 10.06.2011 read as under:

“3. Eligibility Criteria-

A woman of age 18 years and above is eligible for grant of pension under the Scheme if she is domicile of Haryana and has been residing in Haryana State for the last one year at the time of submission of application and her own income from all sources is below Rs.30,000/- per annum and further any one of the three conditions are fulfilled:

- (i) She is a widow; or*
- (ii) She is destitute without husband, parents and sons (s) or;*
- (iii) She is destitute due to desertion or physical/mental incapacity of,*
 - (a) Husband in case of married woman; or*
 - (b) Parents in case of other women.*

Note: “Physical/mental incapacity” is as defined in Notification No.1953-SW (4) 2009, dated 30th October, 2009 and as amended from time to time.”

Perusal of the aforesaid eligibility criteria reveals that only a widow or destitute wife is eligible for pension. Since the petitioner has re-married, therefore, she is not entitled for the pension. So far as the student fund and welfare of the minors is concerned, the same has not

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been agitated in the instant petition and, therefore, this Court has not considered the aforesaid factum. The minors can file independent petition for the student relief.

Dismissed with the aforesaid observations.

30.03.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge