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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 8910/2016**

HIRA DEVI Petitioner
Through: Mr.Manoj Kumar Goyal, Adv.

versus

DIRECTOR GENERAL OF POLICE AND ANR Respondents
Through: Mr.Pradeep K.Jha, Adv. with
Mr.S.S.Sejwal (Law Officer) CRPF

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **30.09.2016**

1. This writ petition is directed against the alleged failure and/or refusal of the respondent authorities to release family pension and other financial benefits payable to the petitioner, the estranged first wife of Late Ram Preet Singh who had been a Constable of the CRPF.
2. According to the petitioner, the petitioner got married to Shri Ram Preet Singh in 1972, according to Hindu rites and customs and three daughters were born from the said wedlock, of whom two namely Reeta Devi and Sunita Devi are married and the third Kumari Sarita aged about 20 years, is a student. The petitioner has stated that she is deaf and dumb.

3. From the averments in the writ petition as also the reply of the respondents authorities to the legal notice sent by the petitioner through her lawyer, it appears that the petitioner is the wife of Late Ram Preet Singh and thus entitled to family pension. The petitioner has annexed a copy of an order of maintenance obtained by her from the Civil Court, Delhi in proceedings initiated by her against her late husband, to the writ petition. The petitioner's late husband had contracted a second marriage for which disciplinary proceedings had been initiated against him. A second marriage contracted while an earlier marriage is subsisting is void.

4. The petitioner's marriage with Ram Preet Singh, now deceased, was never dissolved by any decree of divorce passed by a competent Court. The petitioner being the first wife is prima facie entitled to pension and other benefits. However, the necessary formalities would have to be complied with and her identity would also have to be verified before pension is released to her.

5. After hearing the parties, we deem it appropriate to dispose of the writ petition by directing the DIG, Group Centre, CRPF, Muzaffarpur, Bihar to treat this writ petition as representation of the petitioner for pension and to

take a reasoned decision positively within four weeks from the date of communication of this order. No reasons need, however, be given if the decision is in favour of the petitioner. The writ petitioner shall present herself before the DIG, Group Centre, CRPF, Muzaffarpur, Bihar within one week from date with all relevant documents in support of her claim for pension including orders of the original / certified copies orders of maintenance of the Civil Court. Considering that the petitioner is a deaf and dumb, illiterate widow of a Constable, the DIG Group Centre is requested to ensure that necessary assistance is rendered to her sympathetically to enable her to comply with all the requisite formalities.

6. If the decision is in favour of the petitioner and it is found that the petitioner is entitled to pension and other benefits, the pension shall positively be released to her within six weeks and all other arrears due and payable shall be paid to the petitioner within eight weeks from that date.

Dasti to both the parties under the signatures of the Court Master.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

SEPTEMBER 30, 2016/RN