

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Misc. No.1757 of 2017 in/and
Letters Patent Appeal No.818 of 2017 (O&M)
Date of Decision: May 22, 2017

Punjab State Power Corporation Limited and othersAppellants

versus

Raj KaurRespondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.**

Present: Mr.Rajesh Bhardwaj, Advocate, for the appellants.

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Surya Kant, J. (Oral)

This letters patent appeal assails the order dated 09.01.2017 whereby learned Single Judge while accepting the claim of the respondent for the grant of family pension has set-aside the order vide which such benefit was denied.

[2] The facts may be noticed briefly. Faqir Singh Dhillon (deceased-employee) joined as Foreman in the erstwhile Punjab State Electricity Board (now the appellant-Corporation). He unfortunately died on 04.02.2004 while he was on duty. The deceased got married with the respondent on 15.01.1975 and it appears that four children were born out of the wedlock. The deceased-employee took an ex-parte decree of divorce against the respondent on 08.12.1989. However, both continued to live together as husband and wife. When respondent came to know that her husband had obtained an ex-parte decree of divorce even while living together, she is said to have insisted upon the deceased-employee to get the ex-parte decree set-aside. Instead of going to the Court for that purpose, the

Gurudwara Sahib, Shri Guru Singh Sabha, DCW, Patiala in the presence of relatives and respectables.

[3] The factum of re-marriage with the respondent has been proved on record on the basis of official records comprising (i) leave travel concession availed by the deceased-employee on 04.03.1996 wherein the respondent was duly disclosed as his wife; (ii) LIC Policy in which the respondent is the nominee-wife; (iii) the loan agreement in which the respondent stood as guarantor being wife of the deceased; (iv) ration card, etc. etc..

[4] In the light of overwhelming evidence to the effect that the deceased-employee and the respondent were living together as husband and wife and the deceased always treated the respondent as his wife, we are satisfied that the learned Single Judge has rightly accepted the version of the respondent for the release of family pension to her.

[5] No case to interfere with the order under appeal is made out.

[6] Dismissed.

**[SURYA KANT]
JUDGE**

May 22, 2017
mohinder

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.1756 of 2017 in
LPA No.818 of 2017

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Punjab State Power Corporation Limited and others vs. Raj Kaur.

Present : Mr.Rajesh Bhardwaj, Advocate,
for the applicant-appellants.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and 98 days' delay in filing the appeal
is condoned.

CM stands disposed of.

(SURYA KANT)
JUDGE

May 22, 2017
mohinder

(HARI PAL VERMA)
JUDGE