IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
-.-

R.S.A No. 5049 of 2013 (O&M)
Date of decision : January 09, 2017

Kiran Kumari ... Appellant

versus

Ramesh Rani & Ors. ... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ajay Pal Singh Rehan, Advocate, for the appellant.

Mr. Arun Gosain, Advocate, for respondent Nos. 1 and 2.

Mr. Rahul Verma, AAG, Punjab, for respondent Nos. 3 to 5.

RAJIV NARAIN RAINA, J

The dispute in this appeal is between the mother of the deceased and his wife. Sanjeev Kumar was died in a fatal road accident while serving as a Constable in the Punjab Police. Sanjeev Kumar-deceased, left behind his contributions in G.P.F and other service benefits including GIS, Insurance and GIS Savings as part of his estate governed by the Rule of succession. The bereaved family was paid ex-gratia amount of Rs.50,000/-. The mother's claim for family pension was denied by both the Courts below after returning concurrent findings of fact. However, the mother's claim for the amount lying in G.P.F, GIS Insurance and GIS savings etc., was upheld to be divided in half between the two Class-1 heirs i.e. mother and daughter-in-law. Aggrieved by the judgment and decree passed by the trial Court, the daughter-in-law filed a first appeal in the Court of the learned Additional District Judge (A) Gurdaspur, which has been dismissed. The first appellate Court has observed in para 22 of the judgment as follows:-

> "*With these observations, no ground is made out to interfere with the findings recorded by the learned trial Court and the the findings of learned trial Court that the respondent/plaintiff no.1 is entitled for ½ of the share out of G.P.F, GIS insurance and GIS savings, respondent/plaintiff No.2 is not entitled to get any benefit, whereas appellant/defendant No.4 is entitled to ½ of the share from G.P.F, GIS insurance and GIS savings and full benefits of ex-gratia, gratuity and pension are upheld.*"

Still feeling dissatisfied, the widow of late Sanjeev Kumar has approached this Court in this appeal for setting aside the judgments passed by the courts *a quo* urging that both the courts below have erred in awarding 50:50 share in the monetary benefits, other than family pension.

The appellate Court has considered the law which indicates that family pension is available under special schemes quantified by rules available only to the widow and children of the deceased-employee and the mother is not entitled in that scheme even by way of a Will, if left behind by the decease-employee/son since family pension does not form part of the estate of the deceased employee. It is a special right conferred by law to take care of the widow and the children left behind by the late husband. However, this is not the case as regards other financial benefits including arrears of salary, if they remain to be paid. For asserting rights to these benefits the law of succession operates as per Hindu Law and therefore, I find no substantial error in the judgments of the Courts below, which deserve to be upheld as sound in law. No question of law arises in this appeal for determination.

Accordingly, the appeal is found devoid of merit and is ordered to stand dismissed.

(RAJIV NARAIN RAINA)
JUDGE

January 09, 2017
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Whether speaking/reasoned – Yes
Whether reportable – No