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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4942/2017

Date of decision: 31st May, 2017

LAKSHMI DEVI AND ANR

..... Petitioner

Through

Mr. Bankey Bihari, Advocate.

versus

DIRECTORATE GENERAL, CENTRAL RESERVE POLICE
(CRPF) & ORS

..... Respondent

Through

Mr. Akshay Makhija, Advocate with
Mr. S.S.Sejwal, Law Officer, CRPF.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE PRATHIBA M. SINGH

SANJIV KHANNA, J. (ORAL)

This writ petition was listed yesterday and was posted for hearing today as a short issue arises for consideration.

2. The petitioners herein are parents of late Constable Bheem Singh, who had laid down his life on 5th September, 2014, while undertaking a rescue operation at Anantnag, Jammu and Kashmir. As per the certificate issued by the office of the Commandant, Central Reserve Police Force, late Constable Bheem Singh has been designated as a "Shaheed".

3. At the time of death, Bheem Singh had left behind a widow,

who has re-married and has a child as per the averments made in the petition.

4. The petitioners herein have pleaded and stated that they were wholly dependent upon their son Bheem Singh. They have prayed for grant of family pension.

5. Letters and representations made by the petitioners have not been replied and answered.

6. During the course of hearing, we have noticed judgment of the Supreme Court in ***M. Jameela Beevi Vs. S. Balagopala Pillai***, (1997) 11 SCC 462, which is a case relating to Kerala Service Rules having identical provisions. Our attention is also drawn to Government of India's decision quoted in Swamy's Compilation of Central Civil Services Extraordinary Pension Rules, (incorporating orders received up to September, 2011, at page 9), which reads as under:-

“In case where the widow dies or remarries, the children shall be paid family pension at the rates mentioned at (a) or (b) above, as applicable, and the same rate shall also apply to fatherless/motherless children. In both cases, family pension shall be paid to children for the period during which they would have been eligible for family pension under the CCS (Pension) Rules. Dependent parents/brothers/sisters, etc. shall be paid family pension one-half the rate applicable to widows/fatherless or motherless children.”

7. There is also a provision for relaxation under Rule 88 of the Central Civil Services (Pension) Rules, 1972.

8. The present writ petition will be treated as a representation made by the petitioners, which will be examined by the authorities keeping in view of the aforesaid judgment, Government of India's decision and provision for relaxation and a speaking and reasoned order would be passed within six weeks from the date a copy of this order is received. We hope and trust that the authorities would take into consideration all the relevant facts and would pass a just and fair order. We may note that as per the case made out by the petitioners, the widow of Bheem Singh is no longer entitled to family pension.

9. The writ petition is disposed of. In case the petitioners are still aggrieved, it will be open to them to file an appropriate petition in accordance with law.

SANJIV KHANNA, J.

PRATHIBA M. SINGH, J.

MAY 31, 2017
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