

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

CWP No.6899 of 2018 (O&M)
DATE OF DECISION : 11th SEPTEMBER, 2018

Sunita Rani

.... Petitioner

Versus

State of Haryana & others

.... Respondent

**CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH**

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Present : Mr. Charanji Lal, Advocate for the petitioner.
Mr. G. S. Wasu, Additional Advocate General, Haryana.

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A. B. CHAUDHARI, J. (Oral)

By the present petition the petitioner has put to challenge Clause 4(iii)(a) of Family Pension Scheme, 1964 by which the benefit of the Family Pension Scheme has been restricted up to date of remarriage, being arbitrary and illegal.

Heard learned counsel for the rival parties.

The petitioner was married with Dilbag Singh, who was working as J.B.T. Teacher at Government Primary School Gurdaspura, District Kaithal. On 03.03.2013 Dilbag Singh died leaving behind the petitioner and two minor children namely Ratesh born on 25.08.2009 and Ritun Born on 07.10.2010. Upon his death family pension was started and the petitioner-widow started receiving the same regularly. Thereafter, due to some dispute with one of her brother-in-law namely Davender Singh, he filed a complaint dated 20.07.2016 (Annexure P- 2) in C.M. Window stating therein that the petitioner has performed *Karewa* marriage with Pawan Kumar, the real younger brother of her deceased

husband after two-three months of the death of her husband. On the said complaint of Davender Singh an enquiry was conducted by respondent No.4 and a report was filed on 25.10.2016 (Annexure P-3). Acting on the enquiry report submitted by respondent No.4, vide order dated 26.10.2016 (Annexure P- 4) respondent No.3 directed respondent No.5 to stop the financial assistance forthwith. Thereafter the petitioner filed representation dated 10.11.2016 (Annexure P- 5) before respondent No.1 which has not been entertained by it. Therefore the petitioner filed CWP No.7718 of 2017 which was ultimately withdrawn with liberty to challenge the vires of rules.

From the above facts it is clear that the petitioner had remarried and thus became disentitled to continue to receive family pension. But she received the family pension up to 26.10.2016 when she had already performed *karewa* marriage with younger brother of her deceased husband, which is not in dispute. The petitioner thus illegally continued to obtain undue benefit. We, therefore, find no merit in the present petition, which is out and out abuse of process of the Court.

In that view of the matter, the petition is dismissed.

(A. B. CHAUDHARI)
JUDGE

11TH SEPTEMBER, 2018
‘raj’

(KULDIP SINGH)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>