

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: January 10, 2018

+ **W.P.(C) 3411/2016**

NIRMALA @ BHARPAIPetitioner

Through: Mr. Pradeep Kumar, Advocate

Versus

GOVERNMENT OF NCT DELHI & ANRRespondents

Through: Mr. Devvrat and Mr. Rizwan,
Advocates for R-1.

Mr. Mahesh Chander, Authorized Officer for
DAV Sr.Secondary School/R-2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT

(ORAL)

1. Impugned letter of 19th November, 2015 declines family pension to petitioner while noting that petitioner's husband-*late Sh.Guru Dutt Sharma* had nominated Smt. Kanta Devi as his wife on 20th April, 1989 and in the Service Book, the name of legal heir is mentioned as Smt. Kanta Devi, after striking off the name of petitioner. It is noted in the impugned letter that '*Pension Payment Order*' also mentions the name of Smt. Kanta Devi as wife of *late Sh. Guru Dutt Sharma*. It is not in dispute that *late Sh. Guru Dutt* had died on 10th November, 2014 and said Smt. Kanta Devi had died on 24th February, 2003.

2. Learned counsel for petitioner submits that late *Sh. Guru Dutt*, in his life time, had sought transfer of nominee from late Smt. Kanta Devi to petitioner vide application (*Annexure P/6*) and affidavit of 22nd September, 2010 was filed alongwith the said application before the Central Pension Accounting Office.

3. At this stage, learned counsel for respondent submits that petitioner had not applied to the school for change of nominee and since no proof of marriage of petitioner with late *Sh. Guru Dutt* exists, therefore, family pension has rightly been declined to petitioner. Attention of this Court is drawn to copy of petitioner's Aadhaar Card, Certificate dated 3rd March, 2015 (*Annexure P/2*) and copy of Ration Card to show that petitioner is the first wife of *late Sh. Guru Dutt Sharma*. Attention of this Court is also drawn to an affidavit filed by *late Sh. Guru Dutt Sharma* in liquidation proceedings pertaining to M/s Hind Finance Corporation Ltd., wherein *late Sh. Guru Dutt Sharma* had disclosed that petitioner is his wife. Learned counsel for petitioner submits that petitioner is an illiterate lady aged 87 years and so she could not furnish the above referred documents to the respondents.

4. In the facts and circumstances of this case, it is deemed appropriate to now permit petitioner to furnish the above referred documents to second respondent within two weeks and then respondents shall reconsider the case of petitioner for grant of family pension after getting these documents verified. If family pension is not granted within a period of twelve weeks of receiving the documents, then reasons for not doing so, be intimated to petitioner so that petitioner may avail remedy as per

law.

5. With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 10, 2018
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