

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

LPA No.1561 of 2019(O&M)

Date of decision: 13.09.2019

Banti Devi

... Appellant

Versus

Union of India and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Gautam Kaile, Advocate,
for the appellant.

KRISHNA MURARI, C.J. (Oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 23.05.2019 passed by the learned Single Judge dismissing the writ petition filed by the appellant herein.

By the impugned order, claim of family pension made by the appellant, who happens to be the mother of the deceased employee, has been refused on the ground that a legally wedded wife in existence has a preferential claim. She being their mother would not be entitled to family pension. Reliance has been placed by the learned Single Judge in arriving at the said conclusion upon the 1972 Rules. Clause 10-A of Rule 54 of the 1972 Rules reads as under:

***“54.(6) The period for which family pension is payable
shall be as follows:-***

***(i) subject to first proviso, in the case of a widow or
widower,***

up to the date of death or re-marriage, whichever is earlier;

xxxx xxxx xxxx

Provided that family pension shall continue to be payable to a childless widow on re-marriage, if her income from all other sources is less than the amount of minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon:

xxxx xxxx xxxx

(10-A) (a) Family pension to the parents shall be payable if the parents were wholly dependent on the Government servant immediately before his or her death and the deceased Government servant is not survived by a widow or an eligible child.

In view of the statutory mandate by the Rules, we see no reason to take a view different from the one taken by the learned Single Judge while non-suiting the appellant. The appeal is devoid of merit and accordingly stands dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

13.09.2019
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO