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

CWP-1734-2016

Date of Decision: 22.01.2019

Kishan Dei

... Petitioner

vs.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr.B.S.Tewatia, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

HARSIMRAN SINGH SETHI, J

In the present writ petition, the claim is being made by the petitioner who is claiming to be the wife of Balbir Singh for the grant of family pension.

As per the averments which have been made in the present writ petition, Sh. Balbir Singh, retired from the service on 30.04.1993 and was receiving pension till he unfortunately died on 06.02.2012. The petitioner, claiming herself to be the wife of Sh. Balbir Singh, applied for the family pension but the request has been turned down by the respondent(s) on the ground that Sh. Balbir Singh, while filling the pension form, stated that he has no family and further objection has been taken that no proof has been given that the petitioner is the legally wedded wife of Sh.Balbir Singh.

As there is a factual dispute, this Court is unable to decide the same.

At this stage, learned counsel for the petitioner states that the petitioner had filed a suit bearing No RBT 34 of 2009 before the Civil Judge

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(Jr. Division), Palwal, for the grant of maintenance from Sh. Balbir Singh. The said suit was decided on 09.04.2010 wherein, the benefit of maintenance was granted and in the judgment, a fact has been recorded that the petitioner is the legally wedded wife of Sh. Balbir Singh.

Learned counsel for the petitioner further states that these documents have not been placed by the petitioner before the respondent(s).

Learned State counsel states that the present writ petition can be disposed of with a direction that the documents which have been shown to the Court, be placed before the competent authority so as to reconsider their decision in respect of the claim of the petitioner for the grant of family pension.

The present writ petition is disposed of with a direction to the respondents that the case of the petitioner be re-considered for grant of family pension after the petitioner submits all the documents showing that the petitioner is the legally wedded wife of Sh. Balbir Singh, after whose demise the family pension is being demanded.

Let a detailed representation be filed by the petitioner within a period of four weeks from today and in case, any such representation is filed, an appropriate decision shall be taken by the respondents within a period of next three months.

The writ petition stands disposed of in above terms.

22.01.2019

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No