

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

CWP-2435 of 2014

Date of decision: 18.07.2019

Ramansh Sharma

.... Petitioner

versus

State of Punjab and others

.... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Puneet Gupta, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

Mr. Deepak Sharma, Advocate
for respondent No.4

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the grievance which is being raised by the petitioner is that, he is entitled for family pension after the death of his father late Mr. Ram Murti Sharma, which is being denied to him.

At the outset, there is dispute which is being raised by the respondents that as per records, Mr. Ram Murti Sharma was married to Smt. Sushila Sharma and there is no decree of divorce passed between them and the petitioner is claiming himself to be the son of Mr. Ram Murti Sharma, born out of the wedlock between Mr. Ram Murti Sharma and Smt. Madhu Bala Sharma, which marriage cannot be treated as a valid marriage.

Counsel for the respondents states that as the factum of paternity can only be proved by succession certificate and in the absence of the same, the claim of the petitioner cannot be considered by the respondents, keeping in view the facts and circumstances of this case. Counsel for the respondents states that after the death of Mr. Ram Murti Sharma, due to dispute between Smt. Sushila Sharma and Smt. Madhu Bala Sharma, who both are claiming themselves to be the wife of Mr. Ram Murti Sharma, the benefits have not been released to anybody. Counsel for the respondents further states that case of the petitioner will be considered, in case he produces succession certificate in his favour claiming benefits of family pension after the death of Mr. Ram Murti Sharma.

Faced with this situation, especially, as there are disputed question of facts involved, counsel for the petitioner prays that he be allowed to produce the said certificate before the authorities and, thereafter, the case of the petitioner should be considered for the grant of family pension.

Counsel for the respondents states that in case any succession certificate is produced by the petitioner to the estate of Mr. Ram Murti Sharma, the benefits will be released to the petitioner immediately in accordance with law but not later than three months from the date of receipt of such succession certificate.

Counsel for the petitioner states that as there is title dispute, the respondent/department should be restrained from disbursing 100% of family pension to Smt. Sushila Devi. Counsel for the petitioner seeks to approach the respondents in this regard. In case any representation is filed by the petitioner, respondents will consider all the relevant facts and take an appropriate decision.

Counsel for the petitioner states that keeping in view the facts noted above, he does not wish to press the present writ petition in view of the facts recorded above.

The present writ petition stands disposed of as having been not pressed.

(HARSIMRAN SINGH SETHI)
JUDGE

18.07.2019
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| 1. | Whether speaking/non-speaking? | Yes/No |
| 2. | Whether reportable? | Yes/No |