

Union of India and others

.....Petitioners

Versus

Anguri Devi and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. Shivoy Dhir, Advocate
for the petitioners.**NIRMALJIT KAUR, J. (ORAL)**

The present revision petition is filed for setting aside the order dated 07.02.2019, passed by the District Judge, Narnaul, vide which, the first appeal filed by the petitioners was dismissed.

The son of respondent No.1-Anguri Devi died while in service. Some payment with respect to GPF, GIS, leave encashment etc. was paid to the legally wedded wife. Subsequently, Anguri Devi filed a suit claiming family pension and other benefits of GPF etc. The said suit was decreed in her favour, vide judgment and decree dated 01.09.2011, vide which, she was held entitled to her share of the benefits on account of death of her son. Appeal against the said decree was filed by Suman Devi, which was dismissed by the Appellate Court on 11.01.2019. The said judgment and order of the appeal has attained finality. Thereafter, the present petitioner-Union of India challenged the said judgment and decree dated 01.09.2011, before the Appellate Court after a delay of almost 4 years and 5 months. The same was dismissed by way of order dated 07.02.2019 on the ground of delay as no explanation was coming forward for the delay.

CR No.6557 of 2019 (O&M)

The present revision petition is filed against the impugned order dated 07.02.2019, vide which, the appeal of the petitioner-Union of India, was dismissed.

Heard.

Admittedly, if at all, any one should be aggrieved, it is Suman Devi, the widow of deceased constable Kanwar Singh. She challenged the same order as was sought to be challenged by the present petitioners in appeal, which was dismissed on 07.02.2019. She did not challenge the same before the Higher Court. The same has attained finality.

In these circumstances, no useful purpose would be served in allowing the petitioners to pursue their remedy by way of separate appeal especially when it is filed after delay of 4 years and 5 months.

Learned counsel for the petitioners however stated that respondent/plaintiff Anguri Devi is not entitled to the benefits in case she herself is already receiving pension on account of death of deceased husband as per CCS (Pension) Rule, 1972. Accordingly, it is clarified that the said question of law is left open for the petitioner to agitate in another case and any finding in the present case will not be cited as a precedent.

Dismissed accordingly.

(NIRMALJIT KAUR)
JUDGE

18.10.2019
sandeep

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No