

CWP No.15520 of 2007

Date of Decision: 27.01.2020

Kalawati

.....Petitioner

Versus

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAURPresent: Mr. I.D. Singla, Advocate
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Hari Om Sharma, Advocate
for respondent Nos.5 and 6.**NIRMALJIT KAUR, J. (ORAL)**

The present writ petition is filed for directing respondent No.4 to release the family pension to the petitioner being widow of the deceased late Shri Zile Singh.

The facts, in short, are that the husband of the petitioner i.e. late Shri Zile Singh was earlier married to Smt. Darshana Devi, who expired on 13.08.1987 leaving behind two minor sons namely Ravi Kumar and Deepak Kumar. The date of birth of Ravi Kumar is 30.06.1982 and Deepak Kumar is 03.08.1985. Subsequently, Zile Singh got married to the present petitioner. A daughter was born out of this marriage. Meanwhile, the husband of the petitioner died on 30.07.2003. The petitioner applied for family pension but the same was denied by the respondent-department on account of the representation made by respondent Nos.5 and 6 i.e. Ravi Kumar and Deepak Kumar.

Today, learned counsel for the petitioner has very fairly stated that the petitioner has no objection in case respondent Nos.5 and 6 are given the family pension as per their respective shares, in accordance with the rules as applicable.

Admittedly, as per the Family Pension Rules, which are reproduced in para 7 of the amended writ petition, in case an officer is survived by a widow but has left behind an eligible minor child from another wife, such son/unmarried daughter is entitled to the pension till they attain the age of 25 years but become ineligible in case they start earning their livelihood or attains the age of 25 years whichever is earlier.

No doubt, they are liable to be paid only in case they had not started earning their livelihood before attaining the age of 25 years, however, learned counsel for the petitioner states that the petitioner does not wish to press the same even though they may have started earning as it would only delay the matter further.

In view of the above agreed position, the present writ petition is disposed of with a direction to the respondents to disburse the family pension to the petitioner as well as to respondent Nos.5 and 6 as per their respective shares to be determined in accordance with the rules being sons of the first wife, who is no more. The said pension will be calculated till they had attained the age of 25 years.

The said pension has not been released till date and is lying with the respondent-department ever since. Accordingly, the said pension shall be released to the petitioner as well as to respondent Nos.5 and 6 as observed above alongwith interest @ 6% per annum from the date they were

entitled up till the date of disbursement. In future, the pension shall be disbursed to the petitioner regularly as per her entitlement. The amount be paid within three months from the receipt of certified copy of this order. In case the same is not disbursed within three months, the respondent-department will be liable to pay 12% interest after the expiry of three months.

27.01.2020

sandeep

(NIRMALJIT KAUR)
JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No