

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14028 of 2019

Date of decision: 30.01.2020

Lilawati Devi

.... Petitioner

versus

Union of India and others

... Respondents

CORAM:HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akash Kundu, Advocate
for the petitioner.

Ms. Gurmeet Kaur Gill, Advocate
for respondent-UOI.

HARSIMRAN SINGH SETHI, J.

In the present writ petition, the grievance which is being raised by the petitioner is qua order dated 28.01.2019 (Annexure P/6), by which it has been decided by the competent authority that the family pension of the petitioner can only be granted after verifying the facts as to whether the petitioner is childless widow and her income from all sources is not equal or higher than the minimum pension prescribed for the family by the Central Government.

Learned counsel for the petitioner argues that petitioner was married to Shri Bharat Singh, who was employed with BSF and was discharged from service on 31.01.2002 at his own request. After the discharge, Bharat Singh was getting pension and on 21.06.2008, he unfortunately died. As per the averments made in the writ petition, after the death of her husband, the petitioner was granted family pension and she continued to get the same till she

remarried on 04.09.2017. After her remarriage, pension of the petitioner has been stopped.

In the present writ petition, the claim which has been raised by the petitioner is that the petitioner is a childless widow, therefore, even, after remarriage, she is entitled to get the family pension and, therefore, stopping of family pension by the respondents is contrary to the policy of the Government of India dated 01.04.2011.

Upon notice of motion, respondents have filed reply, in which it has been stated that the petitioner has never approached the authorities with the relevant documents so as to prove that she is a childless widow and also to fulfil other requirements envisaged for the grant of family pension to a childless widow even after remarriage.

In order to get the family pension, a childless widow is to prove that her independent income from all sources is not equal to or higher than minimum amount prescribed by Government of India for awarding family pension. Learned counsel for the petitioner does not dispute the fact that petitioner is still to submit the documents in her favour to the effect that she is childless widow, whose income from all known sources is less than the income prescribed by the Government of India.

That being so, no fault can be found in the action of the respondents for not granting the family pension to the petitioner.

Learned counsel for the petitioner states that the proof/evidence and the documents required to be submitted by her for the grant of family pension after her remarriage will be submitted within a period of four weeks from the date of receipt of certified copy of this order.

Learned counsel for the respondents very fairly states that in case the

petitioner submits the required documents for the grant of family pension being a childless widow, the said claim will be examined and an appropriate order will be passed within a period of three months from the date of submission of documents by the petitioner and in case, she is found entitled for the grant of family pension even after her remarriage, the same will be released to her within a period of next one month.

Learned counsel for the petitioner states that, keeping in view the statement made by learned counsel for the respondents, he does not wish to press the present petition any further and the same may be disposed of as having been not pressed.

Ordered accordingly.

It is made clear that respondents will be bound by their statement recorded above.

(HARSIMRAN SINGH SETHI)
JUDGE

30.01.2020
aarti

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