

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

* * *

CWP No. 16037 of 2020

Date of Decision : 1.10.2020

Malkeet Kaur

Petitioner

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Deepak Aggarwal, Advocate for the petitioner.

Ms. Anu Pal, DAG, Punjab.

* * *

AVNEESH JHINGAN, J. (Oral)

The present petition is filed seeking directions to the official respondents to carry investigation as to whether respondent No. 5-Hardeep Kaur is a legally wedded wife of deceased- Havaladar Avtar Singh and also into the fact whether respondent No. 5 is entitled to withdraw family pension.

Havaladar Avtar Singh died on 20.12.2014. The petitioner claims to be his legally wedded wife, having three children. The allegations are that respondent No. 5 is withdrawing the family pension claiming herself to be the legally wedded wife of Avtar Singh.

Learned counsel for the petitioner places reliance upon letter dated 29.1.2020 written by Senior Record Officer. The relevant paragraph of the letter is reproduced below:

“3. The above individual died on 14 May 2014. Name of his wife Smt. Malkiat Kaur has already been notified in the above mentioned PPO. Accordingly, family pension was granted to

Smt. Malkiat Kaur w.e.f. 15 May 2014. Now, an another lady Smt. Malkiat Kaur claiming to be wife of No. 4403628 Late Hav Avtar Singh has approached this office through District Defence Service Welfare Office vide their letter mentioned at Para 1 above and stating that her husband was a habitual drinker due to which she had left her in laws house and gone to her parental house in the year 2002. After sometimes late Hav Avtar Singh contracted with Smt. Hardeep Kaur and also prepared all the documents like Aadhar Card. Voter Card and other proof with her fake name as Malkiat Kaur.”

By filing writ of mandamus, the petitioner is seeking a declaration under Article 226 of the Constitution of India about the validity of her marriage, declaration that she along with her children are legal heirs and are entitled to family pension. The said relief cannot be granted in the writ petition, as disputed questions of fact are involved.

The writ petition is dismissed.

However, the petitioner would be at liberty to avail remedies available in accordance with law.

(AVNEESH JHINGAN)
JUDGE

1st October, 2020
mk

Whether speaking/reasoned: YES / NO

Whether reportable: YES / NO