

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 3704 of 2021 (O&M)

Date of Decision:17.02.2021

Dhanpati Devi

.....Petitioner

Versus

Union of India and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Neeraj Sheoran, Advocate
for the petitioner.

Ms. Neha Sharma, Advocate
for respondent-UOI.

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This writ petition has been filed for setting aside communication dated 10.08.2020, Annexure P-4, wherein request submitted by the present petitioner for release of half of family pension being received by her to respondent no.3, has been rejected.

It is pleaded that the petitioner was married to one Bhai Ram, who was working as Sub Inspector with the BSF. SI Bhai Ram, voluntarily retired from service on 31.03.1990 and passed away on 09.12.2019. An application was moved by the present petitioner on 20.02.2020, stating that respondent no.3 was also married to petitioner's husband on 07.07.1977. She is a cousin of the petitioner and the petitioner has no objection in case half of the pension is released to respondent no.3. This request was rejected by the authorities vide impugned order dated 10.08.2020, while observing that as per service record of the deceased employee, he has nominated his wife- Dhanpati and respondent no.3, is nowhere mentioned as his wife. Learned

counsel submits that the petitioner has no objection in case half of the pension is released to respondent no.3. It is thus prayed that present petition be allowed and communication dated 10.08.2020, Annexure P-4, be set aside.

I have heard learned counsel for the petitioner and have gone through the file with his assistance.

Learned counsel for the petitioner is unable to deny that even if, marriage of the petitioner's husband with respondent no.3, is to be accepted, to have been solemnized (though, there is no proof of the same on record), on 07.07.1977, the same is in clear cut violation of the provisions of the Hindu Marriage Act. Learned counsel for the petitioner is unable to point out any rule, regulation or provision, which envisages release of pension to respondent no.3, as is sought. Respondent no.3, has admittedly, not sought any relief.

Present writ petition being devoid of any merit, is accordingly dismissed with no order as to cost.

17.02.2021

s.khan

**[LISA GILL]
Judge**

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.