

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

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CWP No.23747 of 2021 (O&M)
DATE OF DECISION : 23rd NOVEMBER, 2021

Geeta Devi

.... Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Deepankur Sharma, Advocate,
for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226 of the Constitution of India for issuance of appropriate writ, order or direction especially in the nature of certiorari for calling the record of the impugned order dated 27.06.2018 (Annexure P-7) passed by respondent No.3 and to set aside the same, with a further prayer to direct the respondents to ensure prompt payment of all post death benefits and grant of family pension to the petitioner in the light of Employees Pension Scheme and to pay all attending consequential benefits by way of arrears with interest @ 18% per annum from the date of its accrual till its realization.

It is submitted by the counsel for the petitioner that the petitioner is legally wedded wife of the deceased employee Mohan Singh

Gusion. Therefore, she is entitled to all the death-cum-retiral benefits arising on account of death the said employee. It is further submitted by the counsel for the petitioner that the petitioner had been in litigations with her deceased-husband since long; and in those litigations the summons were served upon the deceased employee at his office address. Therefore, the respondent-department is well aware of the fact that the petitioner is the legally wedded wife of the deceased employee.

Having heard the counsel for the petitioner, this Court does not find any substance in the argument raised by the counsel for the petitioner. The record shows that the deceased employee was already married to one, Suman Devi, who expired on 03.05.2001, while the said employee was still in service. There is one daughter born out of the wedlock of the deceased employee and his wife, Suman Devi. She is alive and she has been nominated by the deceased employee as his only successor to receive his death-cum-retiral benefits, in case of his death. The order passed by the respondents also shows that the other legal heir of the deceased employee was his mother. However, the mother of the deceased has relinquished her claim in favour of the daughter of the deceased. Hence, the fixed benefits have already been paid and the recurrent benefits are being paid to the said daughter of the deceased employee. As per the impugned order, the respondent-department does not have any information; qua any marriage of the petitioner with the deceased employee. The record of the department does not contain any information; qua an undisputed status of the petitioner as the legally wedded wife of the deceased employee. Hence, the respondents are not at

fault in denying the said benefits to the petitioner and in releasing the same in favour of the daughter of the deceased employee.

Although, the counsel for the petitioner has submitted that the respondent-department was well aware of the fact that the petitioner was the legally wedded wife of the deceased employee, because summons of litigations were served on official address of the deceased employee, however, this argument of the counsel for the petitioner is liable to be noted only to be rejected. Mere fact that the petitioner might have filed some litigations against the deceased employee and the summons qua those litigations were served upon the deceased employee; at his office address, would not confer any legal status upon the petitioner; of being a legally wedded wife of the deceased employee. Even on the record of the present petition, there is no document to show the undisputed legal status of the petitioner as a legally wedded wife of the deceased employee; as per the law. Hence, this argument of the counsel for the petitioner also does not have any force.

In view of the above, finding no merit in the present petition, the same is dismissed.

23rd NOVEMBER, 2021
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(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>