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

CWP-16852-2022

Date of Decision: August 03, 2022

SURAJ KALI

..... Petitioner

Versus

PUNJAB STATE POWER CORPORATION LTD. AND OTHERS

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.Ashok Kumar Sama, Advocate for the petitioner.

LISA GILL, J.

Prayer in this writ petition is for direction to the respondents to release family pension to the petitioner, who claims to be widow of Sh. Sham Sunder, who retired as Lineman from the respondent – Department. It is submitted that petitioner's husband was serving the respondent – Department and was regular employee. He was promoted as Lineman and retired as such from Fazilka Division on 30.06.2007. Petitioner's husband, who was in receipt of pension during his life time, it is submitted, unfortunately died on 29.11.2016 leaving behind petitioner as his legal heir. Family pension was not released. In this respect, petitioner filed CWP-40390-2018 which was disposed of on 28.02.2019 with a direction to the respondent authorities to decide petitioner's legal notice dated 16.12.2018 within three months by passing a speaking order.

Learned counsel for the petitioner submits that no action was taken thereon and it was on 13.8.2019 that the petitioner received a letter from respondent No. 4 stating that speaking order dated 10.05.2019 had been passed in

compliance of order dated 28.02.2019 in CWP-40390-2018, a copy of which had been sent to her. Family pension was denied to the petitioner on the ground that deceased employee had supplied a copy of decree of divorce alongwith his pension form. Copy of order dated 10.05.2019, it is submitted, was never received by the petitioner. Learned counsel for the petitioner submits that though decree of divorce was admittedly passed on 08.05.2001, petitioner and her husband had again started living together in the year 2008 and at the time of death of Sham Sunder, she was living with him alongwith her children. Reference is made to ration card dated 01.01.2011 in this regard. It is, thus, prayed that this writ petition be allowed, order dated 10.05.2019 be set aside and all benefits due to the petitioner being legal heir of Sham Sunder be released to her.

Heard learned counsel for the petitioner.

It is not denied that decree of divorce was passed on 08.05.2001 in the petition under Section 13B of Hindu Marriage Act filed by the petitioner and her husband. Said decree had been duly submitted by the deceased employee Sham Sunder before the respondent – authorities indicating cessation of all ties with the petitioner. Though it is stated that petitioner and her husband has started living together again as husband and wife in the year 2008, it is a matter of record that no such intimation was ever given by the deceased employee to the Department. There is nothing on record to indicate that Sham Sunder, during his life time had subsequent to the divorce again intimated to the department that petitioner be treated his nominee. Reference to the Ration card and verification by the Tehsildar, cannot be of much avail to the petitioner in the given factual matrix. Petitioner seeks to raise disputed questions of fact which in any case are beyond the pale of present proceedings.

No other argument has been addressed.

Accordingly, present writ petition is dismissed.

August 03, 2022

rts

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No