

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.13994 of 2022 (O&M)

Date of Decision:11.07.2022

Ganga Devi

.....Petitioner

Versus

Union of India and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Mukesh Yadav, Advocate
for the petitioner.

Mr. Arvind Seth, Advocate
for the respondents.

LISA GILL, J(Oral).

Petitioner in this case is aggrieved of the action of the respondents in not granting family pension to her after the death of her husband on 22.05.2015.

It is submitted that petitioner's husband enrolled with the Central Reserve Police Force (for short 'CRPF') in the year 1971 and he was posted as constable with the 31 Btn., CRPF. It is submitted that her husband was transferred to Mahroli, New Delhi. Petitioner's husband was punished with minor punishment of 13 days and deputed at the Police Station in defence colony for about 45 days. However, petitioner's husband is stated to have completed both the punishments. Petitioner's husband is stated to have passed away on 22.05.2015. It is submitted that petitioner is an illiterate lady and she was not aware about any benefits her husband might have been receiving or about service pension of her husband. Petitioner represented to the Centre Commandant (C.R.P.F) APO-99, Deemapur Khathati (Assam) regarding the same on 26.12.2016. Legal notice dated 15.09.2019, Annexure

P-2, was served by the petitioner and the same was duly responded to by the

respondents on 06.04.2022 stating therein that on finalization of departmental enquiry, petitioner's husband was awarded punishment of 'dismissal from service w.e.f., 05.12.1987'. Hence, the petitioner, it is stated is not entitled to get any pensionary benefits. It is further mentioned therein that a speaking order dated 26.03.2022 had been passed by the Deputy Inspector General of Police, GC, CRPF, Khatkhathi in this regard. Aggrieved by her claim being rejected, present writ petition has been filed by the petitioner.

It is relevant to note at this stage that in para no.14 of the writ petition, which is duly supported by an affidavit of the petitioner, it is stated that no such or similar writ petition for the same cause of action has been filed before this Court or any other Court of law. While perusing reply dated 06.04.2022, a query was put to learned counsel for the petitioner regarding speaking order dated 26.03.2022, which is mentioned therein.

Though, notice of motion has not been issued in this writ petition, Mr. Seth, learned counsel representing the respondents points out that petitioner had earlier filed CWP No. 2929 of 2022 for grant of family pension to the petitioner. Said writ petition had been disposed of on 15.02.2022 directing the respondents to consider legal notice dated 15.09.2019 issued by the petitioner and decide the same in accordance with law by passing a speaking order within a period of one month from the date of receipt of certified copy of the order. Pursuant thereto, order dated 26.03.2022 was passed. Petitioner's case was rejected as she was not entitled for any pensionary benefits as per existing norms quoted in Rule-24 of CCS Pension Rules 1972 and other instructions issued from time to time by the concerned Ministry/Department. Order dated 26.03.2022 is admittedly not on record, in fact not even referred to in the pleadings, though it is clearly

mentioned in reply dated 06.04.2022 to the legal notice served by the petitioner.

Though, present writ petition can be dismissed solely on the ground of the petitioner not revealing all material facts and deliberately making incorrect averments in the writ petition, inasmuch as it is stated that no such or similar writ petition has been filed whereas petitioner has admittedly filed CWP No. 2929 of 2022 earlier, it is relevant to note that learned counsel for the petitioner is unable to point out any rule or provision of law which entitles the petitioner to the pensionary benefits as claimed by her. Petitioner's husband who was dismissed on 05.12.1987 admittedly remained alive till 22.05.2015 and no challenge was raised by him to the order of dismissal from service. Therefore, merely to say that the petitioner is an illiterate lady not having any knowledge regarding service or pension etc., of her husband, cannot be a ground for interference. There is no ground for interference in this writ petition.

No other argument has been raised.

This writ petition, being devoid of any merit, is dismissed.

11.07.2022

s.khan

**[LISA GILL]
Judge**

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