

CWP-13765-2015

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2023:PHHC:160434

120+258

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13765-2015 (O&M)

Date of Decision:14.12.2023

BABLI DEVI & ANR

..... Petitioners

Versus

UNION OF INDIA & ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Mohit Garg, Advocate with
Mr. Mohit Saini, Advocate
for the petitioners.

Ms. Puneeta Sethi, Senior Panel Counsel
for respondent No.1-UOI.

Mr. S.K. Verma, Advocate
for respondent No.2.

Mr. Rajiv Sharma (Hisarwale), Advocate
for respondents No.3 and 4.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 03.06.2015 (Annexure P-3) whereby recovery of Rs.1,73,536/- was ordered to be made from the petitioner. The petitioner is further seeking direction to respondents authorities to restore her family pension.

2. On 21.11.2023, the following order was passed:

“The petitioner by impugned order has been denied pension on account of her re-marriage with younger brother of her deceased husband. As per Family Pension Scheme 1995, if a widow gets re-married, she is not entitled to family

pension, however, as per aforesaid scheme, the children are entitled to family pension in case of re-marriage of widow.

Learned counsel for the petitioners seeks time to verify status of children of the deceased employee.

Adjourned to 14.12.2023.”

3. Learned counsel for the petitioner submits that son of the petitioner, as per Family Pension Scheme 1964, is entitled to pension, thus, he may be extended benefit of family pension and petitioner would not claim.
4. Learned counsel for the respondents does not dispute aforesaid prayer of the petitioner.
5. In the wake of statements of both sides, the present petition stands disposed of with a direction to respondents to consider case of son of the petitioner for family pension as per applicable rules. The needful shall be done within 3 months from today.
6. Pending misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

14.12.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>