

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

117

CWP-18155-2016

Date of Decision: 13.12.2023

Chand Jyoti and another

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Satish Garg, Advocate for the petitioners
Mr. Praveen Chander Goyal, Senior Panel Counsel,
for Union of India-respondent Nos.1 to 3
Mr. Arvind Rajotia, Advocate for respondent No.4

JAGMOHAN BANSAL, J. (Oral)

1. On 14.11.2023, the following order was passed:-

“The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to release family pension.

In the reply, the respondent has contended that petitioner No.1 was not wife of the deceased employee and petitioner No.2 was not daughter of deceased employee. The petitioner No.1 is actually wife of brother of deceased employee and petitioner No.2 is daughter of brother of the deceased employee. The deceased employee vide letter dated 09.09.2011 had made his position clear with respect to his legal heirs.

Faced with this, learned counsel for the petitioners seeks time to address the arguments.

Adjourned to 13.12.2023.

To be shown in the Urgent List.”

2. Learned counsel for the petitioner expressed his inability to controvert contents of letters dated 19.09.2011 and 22.09.2011 written by the deceased employee.
3. In the aforesaid letters, the deceased employee has categorically disclosed name of his wife and children as well as name of wife of his brother and her children. He has further categorically stated that neither provident fund nor pension be released to his family members. Concededly, wife of the deceased employee has already passed away. His children being more than 25 years are not entitled to pension. It is further apt to mention that they, in any case, are not claiming pension. It is only petitioner No.1 and her daughter who are claiming pension and deceased employee in his aforesaid letters has categorically stated that petitioner No.1 is wife of his brother and petitioner No.2 is her daughter. The petitioners, being not dependent as per rules governing family pension, are not entitled to family pension. This Court cannot ask the respondents to grant family pension contrary to the rules especially when the deceased employee has categorically disclosed his relation with the petitioners.
4. In view of aforesaid facts and findings, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

13.12.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>