

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(225)

CWP No. 20133 of 2019

Date of Decision : 14.12.2023

Neeraj Bansal and others

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Narang, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. Claim raised in the present is for the grant of family pension to the petitioners.

2. Learned counsel for the petitioner argues that the petitioner had married the deceased employee, namely, Ramesh Kumar Bansal during the subsistence of his earlier marriage and the benefit of family pension has been declined in favour of petitioner No. 1 on the ground that the marriage solemnized between the petitioner No. 1 as well as Ramesh Kumar Bansal was during the subsistence of the earlier marriage of Ramesh Kumar Bansal, hence, she cannot be treated as a legally wedded wife of deceased Ramesh Kumar Bansal to be granted the benefit of family pension.

3. Learned counsel for the petitioner submits that out of the wedlock between petitioner No. 1 and deceased Ramesh Kumar Bansal, two children i.e. petitioner No. 2 and 3 were born and in their record, the

deceased employee i.e. Ramesh Kumar Bansal has been recorded as their father and the respondents themselves had described petitioner No. 1 as wife in the identification card issued to the deceased, Ramesh Kumar Bansal. Learned counsel for the petitioners also submits that keeping in view the law, which has been settled by the Hon'ble Supreme Court of India while deciding Civil Appeal 5262 of 2023 titled as ***Smt. Shiramabai W/o Pundalik Bhave & Others Vs. The Captain, Record Officer for O.I.C. Records, Sena Corps Abhilekh, Gaya, Bihar State and another***, decided on 18.08.2023, the petitioner No. 1 is to be treated as a legally wedded wife of the deceased-Ramesh Kumar Bansal for the grant of family pension.

4. Learned counsel for the respondents submits that the claim of the petitioners for the grant of family pension will be considered on the basis of the record, which has been noticed here-in-before as well as the judgment of the Hon'ble Supreme Court of India in ***Smt. Shiramabai's case (supra)*** and appropriate order will be passed within a period of eight weeks of the receipt of copy of this order and in case, it is found that the claim of the petitioners is covered by the judgment cited here-in-before, keeping in view the facts and circumstances relating to the marriage of the petitioner No. 1 and the documents supplied, appropriate relief will be given within a further period of four weeks.

5. Learned counsel for the petitioner submits that keeping in view the said statement of learned counsel for the respondents, the

present petition may kindly be disposed of having been not pressed any further.

6. Ordered accordingly.

December 14th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No