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

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**CWP-27108-2016**

**Date of Decision: 14.02.2023**

Sharanjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Vikasdeep Singh, Advocate,  
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (ORAL)**

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of *mandamus* directing the respondents to grant the family pension to the petitioner on account of death of her husband, namely, Sukhdev Singh, Head Constable bearing SIA No.475/Tarn Taran.

Learned counsel for the petitioner has submitted that the husband of the petitioner, namely, Sukhdev Singh was working as Head Constable in Punjab Police, Kapurthala and he died while in service on 06.08.2015. He further submitted that the aforesaid Sukhdev Singh was earlier married with one Balwinder Kaur, who had died on 22.11.2006 and thereafter, the aforesaid Sukhdev Singh had solemnized the second marriage with the present petitioner, namely, Sharanjit Kaur on 25.09.2007. There

were two children from the first wife, namely, Prabhjot Thind and Akashdeep Singh. He also submitted that thereafter both the aforesaid children had submitted their respective affidavits before the Authorities by stating that they have no objection in case the pension is released in favour their mother, namely, Sharanjit Kaur, who is the present petitioner. However, neither any pension has been released to the petitioner nor the pensionary benefits have been released to anybody till date. He further submitted that even no order has been passed by the Authorities in this regard as to who is entitled for the grant of pension and pensionary benefits.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab, while referring to the reply filed by way of an affidavit of Assistant Inspector General of Police, Headquarters, Intelligence, Punjab, has submitted that although the aforesaid two children of the first wife had submitted their respective affidavits but at the most the petitioner is entitled for grant of 50% of the share of the family pension and for that purpose, she was asked to appear before the competent authority for filling up of the form but she did not fill up the form and she was demanding 100% of the pension be given to her. She further referred to Para No.4 of the reply filed by the State wherein Volume 2, Rule 6.17(4), Note 1 and 2 of the Punjab Civil Service Rule have been reproduced and has submitted that when a Government employee is survived by a widow but has left behind an eligible minor child from another wife, the eligible minor child will be paid the share of pension which the mother would have received if she had been alive at the time of the death of the Government employee. She submitted that in view of the above position, neither pension nor the pensionary

benefits of the aforesaid Sukhdev Singh could be released to anybody, despite the fact that he had died in the year 2015.

I have heard the learned counsel for the parties.

The husband of the petitioner had died on 06.08.2015 and it was the duty of the State to have released the pension and pensionary benefits to the person, who is eligible to receive. However, the concerned authorities instead of determining the rights of the recipients in accordance with law and in accordance with the Punjab Civil Service Rules have not passed any order nor they have released the pension and the pensionary benefits to anybody. Whenever an employee dies and the family pension and pensionary benefits are to be fixed, then the concerned competent authorities are bound to consider and decide as to who are persons entitled for the family pension and pensionary benefits and the competent authority cannot be permitted to sit silent which has been done in the present case for 8 years.

In view of the above, the present petition is disposed of with a direction to respondent No.3-The Director General of Police, Intelligence, Punjab to look into the matter and after hearing all the stakeholders to pass a well-reasoned speaking order in accordance with law with regard to the entitlement of the family pension and the pensionary benefits of the deceased Sukhdev Singh within a period of three months from today.

**14.02.2023**

*Bhumika*

**(JASGURPREET SINGH PURI)**

**JUDGE**

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable:        | Yes/No |