

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

(201)

CWP-37692-2019

Date of Decision : August 18, 2023

Angrejo**.. Petitioner****Versus****State of Haryana and others****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Jagjit Singh Dahiya, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed challenging the action of the respondents in withdrawing the pension which was admissible to the petitioner after the death of her husband Satbir Singh on the ground that the petitioner had performed Kareva Marriage with the elder brother of the deceased.

2. Learned counsel for the petitioner submits that the petitioner is denying the fact of Kareva marriage and as the elder brother of deceased namely Randhir Singh was already married, therefore, as per the Hindu Marriage Act, there cannot be a valid marriage between the petitioner and Randhir Singh much less any Kareva Marriage so as to withdraw the family pension of the petitioner.

3. Learned counsel for the petitioner further submits that even otherwise, for the last so many years, the petitioner is living separately even

from Randhir Singh hence, under these circumstances, the petitioner is entitled for the revival of her family pension keeping in view the rules governing the service on the aspect of family pension to a widow.

4. Learned State counsel submits that in case the petitioner has any claim with regard to the revival of the family pension, the petitioner is free to file appropriate representation with the respondents claiming the same and in case any such representation is received from the petitioner, the same will be dealt with in accordance with law by passing appropriate order keeping in view the facts and circumstances of the present case and in case after the decision, the petitioner is found entitled for revival of the family pension, the same will be granted to her along with consequential benefits.

5. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to file appropriate representation for the revival of pension.

6. Ordered accordingly.

7. It is made clear that in case no representation is received from the petitioner for the consideration of the respondents within a period of one month from today, the respondents will be free to take appropriate decision with regard to the recovery of the amount already paid to the petitioner.

August 18, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No