

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

CWP-2812-2024

Date of Decision:08.02.2024

HARJINDER KAUR

..... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Vijay Lath, Advocate with
Mr. Naveen Sharma, (Moudgil), Advocate for the petitioner.

Mr. Deepanjay Sharma, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226 and 227 of the Constitution of India is seeking direction to respondent to release her full family pension.

2. The husband (Hardev Singh) of the petitioner was working with respondent as Head Constable. He retired on 30.04.2017 on attaining the age of superannuation. He was granted pension as per applicable rules and regulations. He passed away on 24.01.2021. The petitioner being wife of the deceased employee was entitled to family pension. From July' 2021 to June' 2023, the petitioner was released 100% family pension, however, in June' 2023, the respondent formed an opinion that first wife of the deceased employee is entitled to 50% of family pension.

3. Learned counsel for the petitioner submits that marriage of deceased employee with Parminder Kaur (first wife) was dissolved vide judgment dated 29.08.1995 (Annexure P-3) passed by Additional District Judge, Hoshiarpur. The deceased employee, thereafter, solemnized second marriage with the petitioner. The first wife of the deceased employee has also solemnized second marriage with Swarn Singh Nijjar. The petitioner as

per Sub-Rule 4 of Rule 6.17 of Punjab Civil Service Rules (Volume-II) is entitled to 100% family pension because first wife of deceased employee has already solemnized second marriage.

4. Notice of motion.
5. Mr. Deepanjay Sharma, DAG, Punjab accepts notice on behalf of the respondents-State and waives service.
6. With the consent of both sides, the matter is taken up for final disposal.
7. Learned State counsel expressed his inability to controvert claim of the petitioner especially in view of Sub-Rule 4 of Rule 6.17 of Punjab Civil Service Rules (Volume-II).
8. The petitioner is a duly wedded wife of deceased employee. She being widow is entitled to family pension. The first wife after getting decree of divorce has solemnized second marriage, thus, she is not entitled to family pension.
9. In the wake of legal position and statement of learned State counsel, the present petition stands disposed of with a direction to respondents to release 100% family pension to the petitioner. It is made clear that this order has been passed on the basis of averment of the petitioner as well as statement of her counsel to the effect that first wife has solemnized second marriage.

(JAGMOHAN BANSAL)

JUDGE

08.02.2024

Ali

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