

2024:PHHC:028233

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-26712-2021

Date of decision: 28.02.2024

NIRMAL SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. PPS Duggal, Advocate for the petitioner.

Mr. Gagneshwar Walia, AAG, Punjab.

AMAN CHAUDHARY. J.

1. The present Civil Writ Petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ of certiorari to quash the order dated 26.10.2021, vide which the representation and the legal notice have been rejected and issue a writ of mandamus directing the respondent to restore the family pension of the petitioner.

2. Learned counsel for the petitioner submits that the first wife of the petitioner, who was serving as Staff Nurse, expired on 17.05.2011 and he was granted family pension. However, the same was discontinued, after he re-married Surinder Kaur Dhaliwal on 27.07.2011. He and Surinder Kaur Dhaliwal had filed a petition under Section 13-B of the Hindu Marriage Act, which was allowed vide judgment dated 22.03.2016, Annexure P-3, whereafter he requested for restoration of family pension but the same was declined. He places reliance upon the judgments in **Satinder Kaur Vs. State of Punjab and Others**, 2019(4) SLR 391, **Amrit Kaur Vs.State of Punjab**

and Others, 2014(2) PLR 192 and Namrata Pandit Vs. Union of India and Others 2017(2) SCT 798, dealing with the issue involved in the present case, whereby the family pension was restored after the second marriage was annulled. He on instructions submits that at this stage, the petitioner would be satisfied, if a time bound direction is given to the respondents to reconsider the issue in light of the aforesaid judgments and by granting him an opportunity of hearing.

3. Learned counsel for the respondents-State does not have any objection to the limited prayer.

4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents that the claim of the petitioner be reconsidered and decided afresh taking note of the judgments referred to by the petitioner, within a period of six months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

28.02.2024
pry

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No