

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124

CWP-25765-2023
Date of Decision: 29.01.2024

Gomti Devi

...Petitioner

Versus

United India Insurance Company Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Raman Mohinder Sharma, Advocate for the petitioner
Mr. R.C. Gupta, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to release her family pension.
2. The petitioner is widow of Krishan Kumar who on 30.06.2021 retired from the office of respondent as Sub-Staff Group-D Employee. The said employee passed away on 20.04.2023. He is survived by petitioner (wife) and two children. Both the children are major and married. It is the petitioner who alone is entitled to the family pension. The petitioner vide application dated 27.05.2023 (Annexure P-7) requested the respondents to release her family pension but of no avail.
3. Mr. Raman Mohinder Sharma, learned counsel for the petitioner submits that petitioner is the sole surviving dependent who is entitled to family pension. Despite the said fact, respondents are not releasing family pension to her.

4. Written statement filed on behalf of the respondents is taken on record. Registry is directed to tag at an appropriate place.
5. Mr. R.C. Gupta, learned counsel for the respondents does not dispute the fact that petitioner being widow of deceased employee is entitled to family pension, however, submits that as per nomination form of the the deceased employee, it is son of the deceased who is the nominee, thus, family pension cannot be released to the petitioner.
6. Concededly, the son of the deceased employee is major being 32 years old. He is not entitled to family pension. There was no matrimonial dispute pending in any Court of law between the petitioner and deceased employee. As per the petitioner, neither the deceased employee was divorcee nor had he solemnized marriage with anybody else except the petitioner. In the premise of these facts and circumstances, the petitioner is entitled to family pension though at the time of death of the deceased she might not be named in the nomination form.
7. In the wake of above facts and findings, the respondents are directed to consider and decide claim of the petitioner within three months from today. The petitioner shall submit all requisite documents within one month from today.
8. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

29.01.2024
Mohit Kumar

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