

Date of Decision : 31-07-2024

KULDEEP KAUR **.....Petitioner**
VERSUS

and

URMILA DEVI **.....Petitioner**
VERSUS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Ashish Verma, Advocate
for the respondents in CWP No.37405 of 2019.

HARSIMRAN SINGH SETHI, J. (Oral)

Present set of two writ petitions involve common question of law in the background of common set of facts and thus they are being decided by a common order.

In the present petition, the grievance being raised by the petitioner is that after death of her husband, the service benefits including the family pension is not being allowed to her which is arbitrary and illegal.

Learned counsel appearing on behalf of the respondent-Board submits that there is no document to show that the petitioner is the wife of Ram Singh, who was working with the respondent-Department and had unfortunately died after his retirement.

Learned counsel for the petitioner submits that the petitioner has submitted the Voter ID Card wherein, the name of the husband of the petitioner has been shown as Ram Singh as well as the death certificate of Ram Singh, wherein the petitioner has been shown spouse. Further, even in the Adhaar Card, the petitioner has been shown as the wife of Ram Singh and especially when in the present case, legal heir certificate has already been submitted describing the petitioner as wife of the deceased employee.

Learned counsel for the petitioner submits that these are enough documents to prove that the petitioner is the widow of Ram Singh so as to claim family pension after his death.

Learned counsel for the respondent submits that on the basis of the said documents, the claim of the petitioner will be considered and an appropriate order will be passed and in case it is found that the petitioner is entitled for relief, the same will be extended to her from the date. Ram Singh died along with arrears and the appropriate order in this regard be passed within a period of 8 weeks from the receipt of certified copy of this order.

It may be noticed that merely because the deceased has mentioned his son in the nomination form, the same will not exclude the

petitioner's claim for family pension, in case the same is covered under the Rules. Therefore, an appropriate order be passed keeping in view the requirement of the Rule and not the nomination form which is only for the purpose of nomination and the nominees are appointed only to facilitate the transfer of the amount in question to the entitled one.

It may be further noticed that in respect of CWP No.476 of 2022, the nomination has been made in favour of the daughter. As stated earlier, the nomination does not entitle the person nominated for the benefit as, the benefits are to be released as per the rules and the nominees are appointed only to facilitate the transfer of the amount to the entitled one hence, once the wife is alive, she will be entitled for the benefit, as envisaged under the Rules including the family pension.

Present set of petitions disposed of accordingly.

Pending application, if any, also stand disposed off.

Photocopy of this order be placed on the file of other connected case.

31-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO