

**CWP-16530-2025****-1-**

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

149**CWP-16530-2025****Date of Decision: 29.05.2025****Asha Rani****...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Rohit Seth, Advocate and
Mr. K. Vinay, Advocate for the petitioner
Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to the respondents to release her family pension.

2. The petitioner claims that she solemnized marriage with Kulwant Singh on 12.02.2012. It was second marriage of both the parties. There were two children from the first marriage of Kulwant Singh. A matrimonial dispute erupted between the parties and the petitioner filed petition under Section 125 of Code of Criminal Procedure, 1973 claiming maintenance. Her application was allowed by the Trial Court and she started getting maintenance of ₹10,000/- per month. Kulwant Singh, at the initial stage, did not pay maintenance, however, after attachment of his salary he started paying maintenance. He filed petition before the Family Court

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seeking divorce. His petition was dismissed in default vide order dated 04.07.2023. He passed away on 21.03.2024. Children from the first marriage are major, thus, they are not entitled to pension. First wife had passed away before the marriage of the petitioner, thus, she is sole family member who is entitled to family pension. The respondent has formed an opinion that in the service book of the deceased employee her name is not recorded. The petitioner has already submitted requisite documents to prove that she was legally wedded wife of deceased employee.

3. Faced with aforesaid facts, Mr. Aman Dhir, Deputy Advocate General, Punjab, who on advance notice is present in Court on behalf of respondent-State, assures the Court that competent authority would consider claim of the petitioner in the light of divorce petition filed by deceased employee and orders of Trial Court where the petitioner was awarded maintenance of ₹10,000/- per month.

4. In the wake of statement of learned State counsel, the present petition stands disposed of.

5. Let the needful be done within three months from today.

(JAGMOHAN BANSAL)
JUDGE

29.05.2025*Mohit Kumar*

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