



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

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CWP-18783-2022 (O&M)
Date of decision: 18.11.2025

Savita Rani

....Petitioner

Versus

Punjab State Power Corporation Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surinder Sharma, Advocate
for the petitioner.

Mr. Rishabh Gupta, Advocate
for respondents No.1 to 3.

HARPREET SINGH BRAR J. (Oral)

1. The present writ petition has been filed under Articles 226 and 227 of the Constitution of India praying for the issuance of a writ in the nature of certiorari to quash the Pension Pay Order (PPO) dated 23.08.2021 (Annexure P-4) to the extent it sanctions only 50% of the family pension to the petitioner, and for a writ of Mandamus directing the respondents to release the full family pension to her.

2. Briefly the facts of the case is that the husband of the petitioner, died in harness on 01.01.2021 while performing his duties as a Lineman with the respondent-Corporation. The deceased employee was earlier married to Smt. Mamta Rani, who predeceased him. From that wedlock, two children were born, both of whom are adults, married, and settled separately. After the death of his first wife, the deceased employee married the petitioner, and had two sons from this wedlock.



3. Upon the death of her husband, the petitioner applied for the release of family pension and other retiral benefits. The respondent-Corporation, vide the impugned PPO dated 23.08.2021, sanctioned the family pension but restricted it to 50% of the admissible amount, citing Note 1 to Rule 6.17 of the Punjab Civil Services Rules, Volume II (CSR Vol. II), which deals with cases of "dual family." The petitioner's case is that since she is the only surviving widow and the children from the first wife are no longer eligible minors, she is entitled to the full family pension.

4. Heard learned counsel for the parties and perused the record.

5. The sole question of law that arises for consideration in this petition is, Whether a widow of a deceased government employee is entitled to 100% family pension upon the cessation of the eligibility of the children from the predeceased wife, or whether the government can withhold 50% of the pension by taking shelter under Note 1 of Rule 6.17 of the CSR Vol. II?

6. This issue is no longer res integra and stands squarely settled by a catena of judgments of this Court. The legal position has been most succinctly and authoritatively laid down by a Coordinate Bench of this Court in ***Kiran Bala v. State of Punjab and others, 2020(4) SCT 139***, which relied upon the Division Bench judgment in ***LPA No. 1434 of 2014 State of Punjab vs. Harpal Kaur***.



7. This court in *Kiran Bala(supra)*, encapsulated the core legal principle and laid down,

“11. This Court has already interpreted the said Note 1 below Rule 6.17(4) of the Punjab Civil Services Rule, Vol. II while deciding CWP No. 8115 of 2010, on 03.07.2013 titled as Harpal Kaur v. State of Punjab and others. The Coordinate Bench of this Court while deciding Harpal Kaur's case (supra) has held that the share of the legal heirs cannot cease as the Government is under obligation to release 100% of the family pension and if a legal heir becomes ineligible, his/her share cannot cease and cannot be retained by the Government. Against the said decision, the State of Punjab preferred LPA No. 1434 of 2014 titled as The State of Punjab and others v. Harpal Kaur. The said LPA was decided by the Division Bench on 01.09.2014 and the order passed by the learned Single Judge in Harpal Kaur's case (supra) was upheld. The Division Bench has held that keeping in view the judgment of the Division Bench of this Court passed in CWP No. 3359 of 2008 titled as Ram Dulari v. State of Haryana and others, decided on 03.07.2009, the Government cannot retain the share of family pension under Note 1 and 2 below Rule 6.17 (4) of the Punjab Civil Services Rules. The relevant portion of the judgment of the Division Bench is as under:-

"In this case, Jit Singh was an employee of the Punjab Government. He died in harness on February 15, 2004, leaving behind one son from his pre-deceased wife and one son born to respondent Harpal Kaur (the second wife). In accordance with the provisions of Rule 6.17 of the Punjab Civil Service Rules Volume II (hereinafter referred to as 'the Rules'), the respondent and son of pre-deceased wife of the deceased employee were granted family pension in equal share. The son of pre-deceased wife of the deceased employee attained the age of 25 years on October 28, 2005 and as per the instructions dated March 07, 2005 (Annexure P-3) issued by the appellants, payment of half share of the



family pension was stopped to him with effect from October 29, 2005. At that stage, the respondent moved an application (Annexure P-5) to the Accountant General, Punjab (appellant No.4 herein) for grant of full family pension, in view of Note 1 and 2 of Rule 6.17 of the Rules, which read as under :

"Note 1 - When a government employee is survived by more than one widow the pension will be paid to them in equal shares. On the death of the widow her share of the pension will become payable to her eligible minor child. If at the time of death widow leaves no eligible minor child, the payment of her pension shall cease.

Note 2 - When a government employee is survived by a widow but has left behind eligible minor child from another wife, the eligible minor child will be paid the share of the pension which the mother would have received if she had been alive at the time of the death of the government employee."

The claim of the respondent was rejected by the appellants on the ground that after attaining the age of 25 years, the right of son of the pre-deceased wife of the deceased employee to draw 50% of the family pension ceased and the said share could not have been granted to the respondent. This interpretation was given by the appellants in view of Note 1 and 2, as quoted above.

*The contention of the appellants is without any substance and the same cannot be accepted, as earlier in the similar circumstances, exactly the similar Rule was interpreted by a Division Bench of this Court in the case of **Ram Dulari v. State of Haryana and others (CWP No. 3359 of 2008, decided on July 03, 2009)**. Copy of the judgment rendered in the said case was annexed with the writ petition as Annexure P-1. In that case, it was held that widow of the deceased employee, in absence of any eligible heir from her and from the first wife of the deceased employee, is entitled to get full family pension. The observations of the Division Bench read as under :*



"11. The argument of the respondents is wholly misconceived when they argued that according to Note (i) of sub-clause (iii) of clause 4 of the 'Pension Scheme' once the minor children have stopped getting their share on account of attaining majority then the 50% share would cease. A perusal of Note (i) would show that the aforesaid provision is applicable only in a case where an employee is survived by more than one widow. In the present case there was only one widow on the date of death of Shri Mehar Singh. It has come on record that Shri Mehar Singh died on 27.8.1980 and his earlier wife Smt. Sona Devi had predeceased him in the year 1976 leaving behind three children, namely, Raj Singh, Manju Rani and Braham Singh, who were born on 5.1.1972, 20.3.1974 and 13.5.1974 respectively. Then he married the petitioner. It is further appropriate to mention that the petitioner also had a minor child, namely, Megh Raj, who was born on 8.12.1980. Therefore, Note (i) would have no application in the absence of at least two widows. The present is a case of one widow who had a minor child of her own and three minor children of her husband, born out of his wedlock with Smt. Sona Devi, who had predeceased him. The respondents have totally misdirected themselves in applying Note (i) to the case of the petitioner whereas the matter is covered by Note (ii) of sub-clause (iii) of clause 4 of the 'Pension Scheme', which does not contemplate ceasing of pension. Therefore, there is no substance in the argument of the respondents and the same is rejected.

12. **For the reasons aforementioned, this petition succeeds. Order dated 17.7.2007 (P-7) passed by the Director General of Police respondent No. 2 is set aside. The respondents are directed to release 50% share of the family pension to the petitioner, which was being paid to the minor children of deceased wife of Shri Mehar Singh, namely, Smt. Sona Devi, to the petitioner. It is clarified that the petitioner would now be entitled to**



100% pension. *The petitioner shall also be entitled to all the arrears with effect from May 2001 till date along with interest at the rate of nine percent per annum. "*

*Learned counsel for the appellants argued that even after the said judgment, in the State of Punjab, there is dichotomy about the interpretation of the aforesaid provisions. But we do not find any dichotomy in Punjab also, because the Punjab Civil Service Rules are exactly the same, and the situation as well as the facts and circumstances in Ram Dulari's case (supra) were also exactly the same. The reason is obvious. On the date of death of the deceased employee, his eligible dependents are to be identified, to whom the family pension is to be granted. If from the pre-deceased wife, children are there, they are eligible legal heirs and are entitled to get family pension till they attain the age of 25 years. In the instant case, son of the pre-deceased wife of the deceased employee being eligible legal heir was entitled to have family pension upto the date of his attaining the age of 25 years and thereafter, his share was to be restored or to be given to the remaining legal heirs of the deceased employee. In this case, widow of the deceased employee and her son survive and both of them are entitled to have family pension in equal shares. In any case, the State is liable to pay 100% family pension, which can be shared by any number of legal heirs of the deceased employee, but the State cannot retain the share of one legal heir on the ground that he has attained the age of 25 years and his right to have family pension has ceased. **The family pension is an estate of the legal heirs of the deceased employee. The apportionment of the family pension of a deceased employee is not the business of the State.** Right in the family pension will devolve according to the Hindu Succession Act, 1956. Thus, we do not find any illegality in the impugned order passed by the learned Single Judge. No merit. Dismissed."*



*12.Keeping in view the law laid down in Harpal Kaur's case (supra), it is clear that after interpreting Note 1 and 2 below Rule 6.17(4) of the Punjab Civil Services Rules, this Court has already given a finding that no portion of family pension can cease and retained by the Government. Learned State counsel is unable to distinguish the case of the present petitioner with that of Smt. Harpal Kaur. Learned State counsel very fairly concedes that after interpreting Note 1 and 2 below Rule 6.17(4) of the Punjab Civil Services Rules, Vol. II, this Court has already held that **if there is only one legal heir, who is eligible for the grant of the family pension, he/she will be entitled for full 100% family pension and no portion of the same can be retained by the Government by taking shelter behind Note 1 and 2 of Rule 6.17(4) of the Punjab Civil Services Rules Vol. II.***

*13.Keeping in view the above, the case of the petitioner is squarely covered by the decision of the Division Bench of this Court in LPA No. 1434 of 2014 titled as The State of Punjab and others v. Harpal Kaur. Hence, the present writ petition is allowed. **The action of the respondents in only paying 50% of the total family pension to the petitioner is set-aside and a direction is issued to the respondents to release 100% family pension to the petitioner from the date she became eligible for the same alongwith arrears.***

8. Family pension constitutes an estate of the legal heirs of the deceased government employee, and the apportionment of such pension among eligible heirs is not the business of the State. The government's role is limited to identifying the eligible legal heirs as on the date of the employee's death and disbursing the full family pension to them. Where there is only one eligible heir at the time of the employee's death, that heir is entitled to receive 100% of the family pension. The State cannot, under the guise of administrative rules or notes appended thereto, appropriate or withhold any portion of the family pension on the ground



that other potential heirs from a previous marriage have ceased to be eligible. The right to receive family pension devolves according to the personal law of succession governing the deceased employee, and the State's function is merely to act as a conduit for the transmission of this entitlement to the rightful beneficiary. Any interpretation of Rule 6.17 or its notes that leads to the State retaining a portion of the family pension would be contrary to the very purpose and object of the Family Pension Scheme, which is to provide financial security to the family of the deceased employee.

9. Admittedly the petitioner, is the legally wedded widow of the deceased employee and the children from the first wife, were not minor children at the time of their father's death and were thus ineligible for family pension from the very inception. Consequently, on the date of death the deceased employee the petitioner was the only eligible legal heir entitled to receive the family pension.

10. The rule for apportionment applies when there are multiple eligible claimants at the same time. In the present case, from the date of death of the employee, there has been only one eligible claimant, the petitioner. The respondents' interpretation, if accepted, would lead to the absurd and unjust consequence of the State appropriating a part of the family pension meant for the deceased's family, which is directly contrary to the spirit and purpose of the Family Pension Scheme.

11. The action of the respondents in restricting the petitioner's family pension to 50% by invoking Note 1 to Rule 6.17 is manifestly



erroneous, arbitrary, and unsustainable in law. The respondents' obligation is to disburse 100% of the family pension to the eligible heir(s). Where there is only one eligible heir, as in the present case, that heir is entitled to the entirety of the pension. The State cannot usurp or withhold a portion of it.

12. In view of the above discussion, the present writ petition is allowed. The impugned Pension Pay Order (PPO) dated 23.08.2021 (Annexure P-4) is quashed to the extent it restricts the family pension of the petitioner to 50%. The respondents are directed to:

- (a) Sanction and release of 100% family pension to the petitioner, with effect from 01.01.2021 (the date following the death of her husband).*
- (b) Calculate and pay the arrears of the remaining 50% family pension, which was wrongly withheld, to the petitioner within a period of three months from the date of receipt of a certified copy of this order.*
- (c) Continue to pay the full family pension to the petitioner henceforth, in accordance with the rules.*

13. No order as to costs.

14. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

18.11.2025

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