



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

**LPA No.1172 of 2018 (O&M)
Date of Decision: 17.02.2025**

Suman Lata and another

.....Appellants.

Versus

Employees Provident Fund Organisation, Rohtak

.....Respondent.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Himanshu Sharma, Advocate for
 Mr. Ravi Kant Sharma, Advocate
 for the appellants.

Mr. Anupam Singla, Advocate
for the respondent.

SANJEEV PRAKASH SHARMA, J. (Oral)

The appellants-pensioners, who were receiving minimum family pension of only Rs.1,233/- per month and the child pension of Rs.308/- per month from the E.P.F. Department under the Employee's Pension Scheme, 1995, are before us assailing the letter/order dated 14.05.2012 issued by the respondent-authority and the judgment dated 13.09.2017 passed by the learned Single Judge.

2. Vide letter/order dated 14.05.2012, the respondent-authority has demanded recovery of the amount already paid to the appellants as



family pension on the ground that appellant No.1 had performed 'Kreva' or 'Chadder' marriage in the year 1996 and did not inform the authorities. The action was taken by the respondent in the year 2012 by issuing the order of recovery on 14.05.2012.

3. Learned counsel appearing for the appellants submits that the marriage was performed in order to protect the widow and the same is a customary pattern of keeping the widow within the family. However, he submits that merely because a widow, who performs a re-marriage, ought not be a reason to deprive her of family pension which has already been granted. The pension which was granted was too meagre an amount and there is no occasion to make recovery.

4. While issuing notice of motion, we had only limited the case on the question of liability of the appellants to pay back the amount which is being sought to be recovered.

5. Taking into consideration the law as settled by the Apex Court in 'State of Punjab and others Vs. Rafiq Masih (White Washer) etc.', AIR 2015 SC (CIVIL) 939 and 'Thomas Daniel Vs. State of Kerala and others', (2022) 4 S.C.R. 606, we do not find it a fit case to allow recovery of the pension amount which has been paid to the widow of the member of EPF Scheme merely because she has re-married by performing 'Kreva' marriage.

6. In view of the above, the present Letters Patent Appeal is allowed and the impugned letter/order dated 14.05.2012, vide which the family pension of the appellants had been stopped as well as the judgment



dated 13.09.2017 passed by the learned Single Judge are set-aside.

7. All pending civil misc. applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

February 17, 2025
Yag Dutt

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*