



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

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**RA-CW-487-2025 in/and
CWP-5001-2023
Date of Decision: 23.12.2025**

VIDYA VATI

.....PETITIONER

Vs.

PUNJAB STATE POWER CORPORATION LTD AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.K. Goklaney, Advocate for the petitioner.

Mr. Rishab Gupta, Advocate for respondent Nos. 1 to 3.

HARPREET SINGH BRAR, J. (ORAL)

Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to release 100% family pension along with arrears in favour of the petitioner, from the date when the department has stopped 50% pension of her son i.e. from 01.05.2019, being legally wedded wife of deceased Sh. Shiv Chand, as the petitioner is fully eligible and entitled for the same. Further prayer for quashing of order dated 10.02.2023 vide which the claim of the petitioner has been declined and lastly petitioner is entitled for release of interest @ 9% from the date, when it became due till its realization.



RA-CW-487-2025

On 02.12.2025, the following order was passed by this Court:-

“Learned counsel for the applicant-petitioner submits that the writ petition filed by the petitioner was dismissed on 09.09.2025 on the basis of the submissions made on behalf of learned counsel for the respondent-Corporation that the petitioner’s husband had died in the year 1997 and that the petitioner’s case suffered from delay and latches.

*Learned counsel for the applicant-petitioner further submits that the factual position recorded in the order regarding the death of the petitioner’s husband is incorrect. The petitioner’s husband had died on 14.08.2014 and not in the year 1997 and therefore there is no delay in approaching this Court. The petitioner’s claim was rejected on 10.02.2023 and the instant writ petition was filed within a month thereafter. It is further submitted that the petitioner’s case is squarely covered by the judgment of this Court in **Savita Rani vs. Punjab State Power Corporation Limited and others** passed in **CWP-18783-2022** decided on 18.11.2025.*

Notice in the application.

Mr. Rishabh Gupta, Advocate, who is present in Court, accepts notice on behalf of the respondent-Corporation and seeks time to address arguments.

Adjourned to 23.12.2025.”

Learned counsel for the respondent-corporation is not in a position to controvert the fact that the husband of the petitioner had died on 14.08.2014 and not in the year 1997 and claim of the petitioner was rejected on 10.02.2023 and the instant writ petition was filed within a month thereafter.



In view of the admitted facts and circumstances of the case reasons the review application is allowed and the order dated 09.09.2025 is recalled and the same was not decided on merits rather it was dismissed on the grounds of delay and latches.

Main case

1. Learned counsel for the petitioner submits that the husband of the petitioner, died in harness on 14.08.2014. Petitioner is the second wife of the deceased husband-Shiv Chand who was earlier married to Smt. Lal Muni Devi who died on 25.06.1997 and three children were born out of their wedlock. Thereafter, the petitioner and deceased husband solemnized marriage on 28.06.1999. The marriage of the petitioner with Sh. Shiv Chand was legal and valid, and after examining the veracity of credentials of the petitioner, she was given appointment on compassionate grounds. Further, death certificate of the first wife of the deceased husband Smt. Lal Muni Devi is available on record as Annexure P-2. After the demise of husband of the petitioner family pension was started in the year 2015 out of which 50% pension was granted to the petitioner and remaining 50% pension as granted to Sh. Surinder Kumar, younger son from the first wife. Sh. Surinder Kumar was the only eligible child of the deceased employee whereas other two sons namely Satinder Kumar and Harinder Kumar were not eligible for grant of pension as they had already attained the age of 25 years. After Sh. Surinder Kumar attained the age of 25 years the department had stopped the 55% pension in his favour and petitioner



immediately made a request for release of 100% pension in her favour. When no action was taken by respondent-Corporation, petitioner served a legal dated 08.12.2022 for release of 100% pension in her favour (Annexure P-4). In response to legal notice, the respondent-Corporation, rejected the claim of the petitioner on 10.02.2023 (Annexure P-5) on the ground that since the husband of the petitioner was having two wives as such in view of Rule 6.17(4) note 1 of CSR, petitioner is not entitled to 100% of the family pension.

2. *Per contra*, learned counsel for the respondents-Corporation submits that the claim of the petitioner has been rejected in terms of Rule 6.17(4) note 1 of CSR added which deals with cases of “dual family” and further in terms of the clarification dated 24.10.2008 (Annexure R-1). The respondents-Corporation has discharge his publication by awarding 50% of the pension to eligible son from the first marriage and 50% pension to the petitioner and the family pension awarded to the son of the first wife was stopped only when he attained the age of 25 years.

3. I have heard the learned counsel for the parties and have perused the record with their able assistance.

4. This Court requires to adjudicate whether a widow of the deceased employee is entitled to 100% family pension upon the cessation of the eligiblity of the children from the predeceased wife. This issue is no longer *res integra* and stands squarely settled by the main matter of judgment of this Court in ***LPA No.1434-2024 in State of Punjab Vs.***



Harpal Kaur. Further Co-ordinate Bench of this Court in case **Kiran Bala Vs. State of Punjab and Others, 2020 (4) SCT 139** has observed the following:-

“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.** (emphasis supplied)

5. 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.

6. Admittedly the petitioner is the legally wedded wife of the

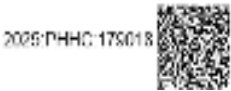


deceased employee and only son from the first wife was eligible to receive benefit being less than 25 years of age. He continued to receive the family pension to the extent of 50% up to 01.05.2019. As such, after he attained the age of 25 years, the petitioner would be eligible to receive the 100% family pension.

7. The rule for apportionment applies when there are multiple eligible claimants at the same time. In the present case, after son of the first wife of the deceased husband attained 25 years of age, petitioner is the only eligible claimant. As such, if the interpretation given by the respondent is accepted, it would lead to the absurd and unjust consequence of the State misappropriating a part of the family pension meant for the deceased's family, which is contrary to the spirit and purpose of the Family Pension Scheme.

8. The action of the respondent 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 State cannot usurp or withhold a portion of it and the petitioner only remains the eligible person to entirety of the pension.

9. In view of the aforesaid discussion, the impugned order dated 10.02.2023 (Annexure P-5) is set aside. The respondents are directed to sanction and release 100% family pension to the petitioner w.e.f. 01.05.2019 (the date on which the son from the first wife of the petitioner attained the age of 25 years). The respondents shall calculate and pay the



arrears of the remaining 55% 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 and continue to pay the full family pension to the petitioner henceforth, in accordance with the rules.

10. Accordingly, the present petition is disposed of. Pending miscellaneous applications, if any shall stand disposed of.

**(HARPREET SINGH BRAR)
JUDGE**

23.12.2025
pry

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