

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10796 of 2026

Rizwana Akhtar Wife of Late Abdul Qudus, Resident of Village and Post-Kewara, P.S.- Punpun, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary (Posts) and Chairman Postal Service Board, Dak Bhawan, New Delhi.
2. The Secretary (Posts) and Chairman, Postal Service Board, Dak Bhawan, New Delhi.
3. The Chief Postmaster General, Patna GPO Complex, Patna-800001.
4. The Director Postal Service (Hq), Patna GPO Complex, Patna- 800001.
5. The Senior Superintendent of Post Offices, Patna Division, Patna- 800004.
6. The Director of Accounts (Postal), Patna GPO Complex, Patna-800001.
7. The Senior Post Master, Bankipur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Digvijay Narayan Singh, Advocate
For the Respondent/s	:	Dr. Krishna Nandan Singh, Sr. Advocate (ASGI)
		Mr. Rajen Sahay, Sr.C.G.C.
		Mr. Manoj Kumar Singh, C.G.C.
		Mr. Ankit Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date : 28-07-2026

The present writ petition has been filed against the order dated 16.07.2019 passed by the Ld. Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'CAT') in O.A. No. 50/394/2016, whereby and whereunder the Original Application filed by the petitioner herein has been dismissed on the ground that the deceased employee had not declared the name of the petitioner as his wife in Form-3/7, filled by the deceased employee, hence in absence of nomination of the petitioner being made by the deceased employee for being given family pension after his death, the



respondents cannot be directed to pay family pension to the petitioner herein.

2. The Ld. Counsel for the petitioner has submitted that the husband of the petitioner retired from service on 28.02.2006 and admittedly all the retiral dues have stood paid, however pursuant to his death on 29.11.2009, the petitioner became entitled to family pension being the wife of deceased employee of the respondents, namely Abdul Qudus, however the respondents are denying payment of family pension on the pretext that the deceased employee has not declared the petitioner to be his wife, entitled to family pension after his death in Form-3/7, as aforesaid. In this regard, reference has been made to a judgment rendered by the Hon'ble Apex Court in the case of ***G.L. Bhatia vs. Union of India & Anr.***, reported in ***(1999)5 SCC 237***, paragraphs no. 2 to 5 whereof are reproduced hereinbelow:-

“2. The sole question that arises for consideration in this appeal is whether the appellant, who happens to be the husband of the deceased government servant, is entitled to family pension under the provisions of the Central Civil Services (Pension) Rules (for short “the rules”) notwithstanding the fact that the deceased wife in her nomination did not include the husband. The forums below have taken the view agreeing with the authorities that since the nomination was not in favour of the husband and the husband was staying separate from the wife, the husband would not be entitled to family pension



in question. This view cannot be sustained in view of the provisions contained in Rule 54 of the rules. It is too well settled that where rights of the parties are governed by statutory provisions, the individual nomination contrary to the statute will not operate.

3. Under Rule 54 sub-rule (14)(b)(i) the expression “family” has been defined thus:

“54. (14)(b)(i) Wife in the case of a male government servant, or husband in the case of a female government servant....”

4. Sub-rule (8)(ii) of Rule 54 states that:

“54. (8)(ii) If a deceased government servant or pensioner leaves behind a widow or widower, the family pension shall become payable to the widow or widower, failing which to the eligible child.”

5. In the light of the aforesaid provisions and there being no divorce between the husband and wife even though they might be staying separately, the appellant husband would be entitled to the family pension in terms of the rules as noted aforesaid and the authorities, therefore, committed error in not granting family pension to the appellant relying upon the nomination made by the deceased wife of the appellant. The impugned order is, accordingly, set aside and this appeal stands allowed.”

3. Thus, it is submitted by the Ld. Counsel for the petitioner that it is a settled law that where the rights of the parties are governed by statutory provisions, the individual nomination contrary to the statute will not operate apart from it being also a well settled law that even in cases where the husband and wife might be staying separately but there is no divorce, still the



husband/wife, as the case may be, would be entitled to family pension upon the death of the concerned employee, *de hors* the fact that no nomination is made in the records.

4. It is further submitted by the Ld. Counsel for the petitioner by referring to a letter dt. 03.04.2014 written by the Senior Superintendent of Post Offices, Patna Division, Patna to the son of the petitioner that the case for grant of family pension is under enquiry and as soon as report of Enquiry Officer is received, the case will be submitted to DA(P), Patna and after his approval the claim of family pension will be settled. It is thus submitted by the Ld. Counsel for the petitioner that the respondents be directed to consider the case of the petitioner for grant of family pension, in accordance with law and for the said purpose the petitioner would be submitting proof regarding her being the wife of the deceased employee within a period of four weeks from today alongwith a proper representation.

5. *Per contra*, the Ld. Counsel for the respondents submits that he has got no objection with regard to consideration of the case of the petitioner for grant of family pension, however the same would be subject to proper enquiry being made by the respondents regarding the factum of the petitioner being wife of the deceased employee or not, hence it would be appropriate



that the petitioner files appropriate representation alongwith all documentary proof, as aforesaid, before the Chief Postmaster General, Patna i.e. the respondent no. 3.

6. Having regard to the facts and circumstances of the case, we deem it fit and proper to modify the impugned order dated 16.07.2019 passed by the Ld. CAT in O.A. No. 50/394/2016 and grant liberty to the petitioner to file appropriate representation alongwith appropriate and legal proof of her being legal wife of the deceased employee, as aforesaid, before the respondent no. 3 within a period of four weeks from today, which shall be considered by the respondent no. 3 in accordance with law and a speaking and a reasoned order shall be passed within a period of six weeks, thereafter.

7. Accordingly, the present writ petition stands disposed of with the aforesaid modification in the order dated 16.07.2019 passed by the Ld. CAT in O.A. No. 50/394/2016.

(Mohit Kumar Shah, J)

(Sourendra Pandey, J)

S.Sb/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	03.08.2026
Transmission Date	N/A

