S. No. 25

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 739/2025
CM No. 1805/2025
CM No. 7072/2026
c/w
CCP(S) No. 158/2026

1. Sushma Devi, age 38 years, W/o Late Sh. Hans Raj …..Petitioner(s)
R/o Near Daata Public School, Omara Morh, Tehsil and District Udhampur.
2. Mohini Kundal, aged 15 years, D/o Late Sh. Hans Raj, R/o Near Daata Public School, Omara Morh, Tehsil and District Udhampur.
3. Arjun Kumar, aged 14 years, S/o Late Sh. Hans Raj, R/o Near Daata Public School, Omara Morh, Tehsil and District Udhampur.
(Petitions 2&3 minor through Petitioner No.1(Natural Guardian.)

Through: Mr. Sachin Dogra, Advocate

1. Union of India, through Ministry of Defence, ….. Respondent(s)
Government of India, New Delhi
2. Director General of Border Security Force, Block 10, CGO Complex, Lodhi Road New Delhi.
3. Commandant, 149 Bn BSF, Baishnab Nagar Malda, West Bengal.
4. Biro Devi W/o Bodh Raj, R/o Koli Pain, PO-Garhi Tehsil and District Udhampur.

Through: Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

Coram: HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

JUDGMENT (ORAL)
(21.11.2026)

WP(C) No. 739/2025

01. The petitioners, through the medium of instant petition filed under Article 226 of the Constitution of India, seek the following reliefs:-

i) Writ of mandamus commanding/directing the official respondents to release the pension and pensionary benefits

in favour of the petitioners.

ii) Writ or direction in the nature of mandamus directing the official respondents to release all the family benefits in favour of the petitioners, which are available to the family members of the deceased husband of the petitioner No.1, lying with the official respondents.

02. The specific case of the petitioners is that the husband of petitioner No.1, late Shri Hans Raj, Regt. No. 063090099 (Barber), expired on 26.07.2024 under mysterious circumstances while serving on duty at the 17th Mile BSF Camp, Bhaishnabnagar, District Malda, West Bengal. The marriage between petitioner No.1 and late Shri Hans Raj was solemnized on 28.09.2010 at Kundrodian, Tehsil and District Reasi, in accordance with Hindu rites and rituals, and out of the said wedlock, two children were born, i.e., petitioners No.2 and 3. After the death of her husband, late Shri Hans Raj, petitioner No.1 approached the official respondents for the release of pension and other retiral benefits, as admissible under the Rules, in favour of the petitioners. In this regard, petitioner No.1 submitted all the relevant documents, as required by respondent No.3, for the release of pension and other retiral benefits under law. It is further submitted that, despite the fact that petitioner No.1 figured in the Nomination Form as the nominee of late Shri Hans Raj and petitioners No.2 and 3 were his two minor children, the official respondents did not release the pension and other retiral benefits.

03. The specific case of the petitioners is that respondent No.3, vide notice dated 08.10.2024, informed petitioner No.1 that she was entitled to pension

and other retiral benefits, being the legally wedded wife of late Shri Hans Raj. As per the Nomination Form submitted by the husband of petitioner No.1, the latter was nominated as the nominee/next of kin for all benefits admissible after the death of late Shri Hans Raj and the same is admitted by respondent No.3; yet, to the contrary, the official respondents have not released the pension and other retiral benefits in favour of the petitioners. It is further submitted that, once respondent No.3 has admitted the entitlement of petitioner No.1 to all the benefits, including pension, in terms of the Nomination Form and the applicable Rules, the failure of the official respondents to release the pension and other retiral benefits of her deceased husband amounts to a deliberate attempt to defeat the ends of justice.

04. It is also submitted that petitioner No.1 is not on good terms with the family members of her late husband, who have instituted unwarranted litigation against the petitioners and are trying to forcibly evict them from the matrimonial house. It is pertinent to mention here that petitioner No.1 had also filed a complaint under Section 12 of the Protection of Women from Domestic Violence Act against them, which culminated in a compromise between the parties before the Lok Adalat vide order dated 23.11.2013. The official respondents, under the influence and instigation of the in-laws of petitioner No.1, are not releasing the pension and other retiral benefits in favour of the petitioners, who are in dire need of the same for their survival. It is further submitted that, as per the Central Civil Services (Pension) Rules, particularly Rule 54 of the CCS (Pension) Rules,

the spouse of the deceased is the first person entitled to receive family pension and other admissible benefits and, in the event of the spouse not being alive, the children of the deceased become entitled to family pension, whereas the parents of the deceased are entitled to the same only in accordance with the applicable Rules. It is further contended that, in terms of the Nomination Form filled in by the deceased and the applicable CCS Rules, petitioner No.1 is legally entitled to all the financial benefits, including family pension. However, despite the same, the petitioners have not received the pension and other retiral benefits till date. Feeling aggrieved of the same, the petitioners have filed the instant petition.

05. *Per contra*, Mr. Vishal Sharma, learned DSGI appearing for the official respondents along with Mr. Karan Sharma, learned CGSC, has furnished a copy of the latest statement of facts/compliance report in which the respondents have taken a specific stand in Para-5 thereof. For facility of reference, the same is reproduced as under:

> *"That after receipt of the requisite documents, the family pension case was processed and pension in favour of Smt. Sushma Devi, wife of No. 063090099 Ct(BB) Late Hansraj, has since been sanctioned by the Pay & Accounts Department, BSF, New Delhi vide PPO No. 021872604747 dated 21.08.2026*".

06. Mr. Sachin Dogra, learned counsel appearing on behalf of the petitioners submits that all the retiral benefits have already been released in favour of the petitioners baring the relief specified in Para-6(III) of the aforesaid compliance report i.e **Golden Jubilee Seema Prahari Kalyan Kawach**

(GJSPKK) which has not been released.

07. Mr. Vishal Sharma, learned DSGI submits that in compliance with the order dated 15.12.2025 passed by this Court which is the subject of the instant contempt petition, the case for Final Death Claim under GJSPKK was processed and forwarded to Frontier Headquarters BSF South Bengal through Sector Headquarters Berhampore after obtaining a Pre-Money Receipt of Rs. 25,00,000/- from Smt. Sushma Devi. However, the case was returned by BSF Frontier Headquarters with the observation that the nomination form enclosed related to SPBY (Seema Prahari Beema Yojana), which was required for processing the claim under the said Scheme. He further submits that, as and when the requisite formalities are completed, the amount shall also be released in favour of the petitioners in terms of the aforesaid Scheme.

08. At this stage, Mr. Vishal Sharma, learned DSGI, fairly submits that, in view of the statement made by learned counsel for the petitioners that the aforesaid amount is yet to be paid, the same shall be released subject to fulfillment of certain requisite formalities. He further submits that whatever is required to be done on the part of the respondents shall be completed within a period of two weeks from today and, in case any requisite formality is required to be completed on behalf of the petitioners for the release of the aforesaid amount, the petitioners also undertake to complete the same. The Final Death Claim under GJSPKK, which has already been processed and forwarded to Frontier Headquarters BSF, shall also be released in favour of the petitioners under Rules, subject to verification and

fulfillment of other codal formalities.

09. While the matter was being heard, Mr. Vishal Sharma, learned DSGI has drawn the attention of the Court to the stand taken by the respondents, with particular reference to Para-8 of the compliance report, a perusal whereof reveals that the Unit has already deputed a Special Representative to the hometown of the petitioner Smt. Sushma Devi along with L/No. 13247 dated 22.08.2026 for obtaining the requisite Pre-Money Receipt of ₹12,50,000/-, representing the share payable to the petitioner in terms of the relevant rules. However, the respondents while filing the compliance report have taken a specific stand that the petitioner No.1 has declined to sign the said Pre-Money Receipt and stated that the Final Death Claim under GJSPKK should be released in her name alone and thereafter she would sign the Pre-Money Receipt only in consultation with her counsel.

10. Mr. Vishal Sharma, learned DSGI, fairly submits that, in terms of the Rules, petitioner No.1 is entitled to only Rs.12,50,000/- and not the entire amount. Therefore, her claim to that extent is not sustainable and the aforesaid amount, admissible under the Rules to the tune of Rs.12,50,000/-, shall only be released, being the share payable to petitioner No.1, subject to completion of the requisite formalities by her. To this, Mr. Sachin Dogra, learned counsel appearing on behalf of the petitioners, undertakes to complete the aforesaid formalities within a period of two weeks from today. Accordingly, a prayer has been made by the learned counsel for the respondents that subject to completion of the aforesaid requisite codal formalities as envisaged under law, the admissible amount representing the

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

share payable to petitioner No.1, to the tune of Rs.12,50,000/-, shall be released in her favour.

11. Thus, in the light of the stand taken by the respective parties, no fruitful purpose would be served to keep both the main petition as well as the contempt petition alive as the grievance projected by the petitioner in the main petition as well as in the contempt petition stands redressed, however, subject to the rider imposed by this Court mentioned hereinabove.

12. With the consent of learned counsel for the parties, the instant petition as well as the contempt petition, are taken up for final disposal at this stage. Accordingly, the writ petition is disposed of by directing the petitioner No.1 to complete all the requisite codal formalities, as envisaged under law, within a period of two weeks from today, insofar as the Final Death Claim under GJSPKK is concerned. In case the requisite formality as envisaged under law is completed by the petitioners for the release of the amount to the tune of Rs. 12,50,000/-, the same shall also be released in favour of petitioner No.1 within the period of two weeks thereafter in favour of the petitioners, subject to fulfillment of all requisite and codal formalities as envisaged under law.

13. While parting with the aforesaid order, it is made clear that while according the necessary consideration for releasing the aforesaid amount subject to fulfillment of the codal formalities in favour of the petitioners, the nomination form which has been placed on record by the respondents while filing reply in the main matter (Annexure-I) shall also be accorded due consideration.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

14. In the light of what has been discussed hereinabove, the writ petition is ***allowed*** in favour of the petitioners, however, with the specific riders, the details of which have been reflected in the preceding paragraphs. Disposal of the instant petition shall not come in the way of the petitioner No.1 to agitate her cause afresh under law, if cause survives.

15. The writ petition is ***disposed of*** in the manner indicated above.

CCP(S) No. 158/2026

16. In the light of the detailed order passed in the main petition, the proceedings in the instant contempt petition are also ***closed*** as the interim order passed by the learned Writ Court which is sought to be complied with through the medium of instant contempt petition stands also complied with. Rule, if any, shall stand discharged.

17. The reply filed in the contempt petition is taken on record.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
21.11.2026
Vijay

Whether the order is speaking: Yes/No
Whether the order is reportable: Yes/No

Vijay Kumar
2026.11.26 13:17
I attest to the accuracy and
integrity of this document