JVS.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7018 OF 2025

Accounts Office (Establishment)	}	
Principal General Manager Telecom	}	
Bharat Sanchar Nigam Ltd.	}	Petitioner
Versus		
Kiran Neelkanth Joshi & Anr.	}	Respondents

Ms. Martina Sapkal with Ms. Namrata Kharat i/b. M/s.Arun Sapkal & Co., Advocates for the Petitioner.

Mr. Harshad M. Inamdar, Advocate for Respondent No. 1.

CORAM: SHREE CHANDRASHEKHAR, CJ. &
GAUTAM A. ANKHAD, J.

DATE: 4th MARCH 2026

P.C.:

Challenging the order dated 10th January 2025 passed in Original Application No. 792 of 2024, the Principal General Manager Telecom, Bharat Sanchar Nigam Limited has filed this writ petition.

2. The submission made by Ms. Martina Sapkal, the learned counsel for the petitioner is that the Employer is bound to follow the Pension Rules and it is not within its jurisdiction to change the scheme in the Pension Rules which provides that the family pension shall be paid to the elder daughter of the age of 25 years of the deceased employee till she is married or remarried or has started earning her livelihood.

3. The Central Civil Services (Pension) Rules, 2021 provides under Chapter VIII that the elder daughter of the deceased employee shall be entitled to the family pension till she has got married or remarried or has started earning her livelihood whichever is the earlier and the younger of the daughters will be

eligible for family pension after the elder next above her got married or remarried or has started earning her livelihood or has died. Admittedly, the elder daughter of the deceased employee furnished her no-objection certificate for providing the family pension to her younger sister. The Tribunal has referred to several communications between the parties in this regard. The Tribunal has also referred to sub-Rule (11) of Rule 54 of the Central Civil Services (Pension) Rules, 1972 and the decision of Karnataka High Court in "*Rajeshwari & Ors. v. Silvia Florance & Ors.*" in Regular Second Appeal No. 797 of 2002 decided on 22nd November 2002 and arrived at a conclusion that the prayer seeking grant of family pension to younger daughter of the deceased employee shall be granted. This is not the case pleaded by the petitioner-Telecom Department that the elder daughter of the deceased employee is still dependent and not earning her livelihood or, that, she is yet unmarried.

4. The family pension to the wife and minor children of the deceased employee and to other dependents of the deceased employee as provided under the Pension Rules are beneficial legislations. The benefit of family pension which is intended to support the family of the deceased employee should not be denied on some technical objections. When it is not pleaded before the Tribunal by the petitioner that the elder daughter of the deceased employee is still not earning her livelihood, the no-objection certificate furnished by her should have been accepted by the Employer. Having regard to the object behind the family pension and the entitlement of the younger daughter of the deceased employee under the Family Pension Rules, we see no reason to interfere in this matter.

4. Writ Petition No. 7018 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.] **[CHIEF JUSTICE]**

PRAVIN DASHARATH PANDIT

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