IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.11946 of 2026
Decided on: 05.10.2026

Beena **.....Petitioner**

Versus

State of H.P. and Ors **.....Respondents**

Coram

Ms. Justice Jyotsna Rewal Dua

Whether approved for reporting?[1]

For the Petitioner: Mr. Rohan Tomar, Advocate.

For the Respondents: Mr. Anup Rattan, Advocate General with Mr. Sikandar Bhushan, Deputy Advocate General for respondents No. 1 and 2.

Mr. Rangil Singh, Advocate, for respondent No.3.

Jyotsna Rewal Dua, Judge

Even though the respondents have not filed reply, however, with consent of learned counsel for the parties, matter is heard at this stage.

2. The case set up by the petitioner is that her marriage was solemnized with Sh. Om Prakash on 04.08.1986 as per Hindu rituals and local customs; Petitioner's marriage with Sh. Om Prakash was solemnized

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[1]**Whether reporters of print and electronic media may be allowed to see the order? Yes.**

during subsistence of his first marriage with one Smt. Sundaru Devi; Sh. Om Prakash superannuated as Kanungo from the office of respondent No.2 on 31.12.2010; Smt. Sundaru Devi passed away on 21.09.2018; Sh. Om Prakash also died on 26.01.2025. Petitioner stakes claim upon family pension and preferred a representation on 28.10.2025 (Annexure P-4 colly). Petitioner's grievance is that the respondent No.3 has turned down her pension case on 12.05.2026 on the ground that family pension cannot be granted to the second wife under existing legal provisions as second marriage solemnized during subsistence of first marriage is not recognized under the Hindu Marriage Act.

3. Learned counsel for the petitioner places reliance upon ***Urmila Devi versus State of Uttar Pradesh and others***[2] as affirmed in ***State of HP & Anr versus Urmila Devi & Anr***[3] and also ***Umawati versus HPSEB and others***[4].

4. In view of the ratio of above decisions, notwithstanding impugned decision at Annexure P-4 (colly) dated 12.05.2026, this writ petition is disposed of with

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[2] CWP No. 6033 of 2022 decided on 30.03.2026,
[3] LPA No. 418 of 2026 decided on 17.07.2026,
[4] LPA No. 545 of 2025 decided on 25.04.2026

directions to the respondents, including respondents No.1 to 3, to re-consider the case of the petitioner for grant of family pension in accordance with law, keeping in view the decisions rendered in *Urmila Devi*[2] and *Umawati*[4]. The case shall be decided afresh within four weeks from today. The order so passed shall also be communicated to the petitioner. In case the petitioner is found eligible for family pension, the same shall be released to her within a further period of two weeks thereafter.

Instant petition stands disposed of in above terms. Pending application, if any, shall also stand disposed of accordingly.

Jyotsna Rewal Dua
Judge

October 05, 2026
R.Atal