

2026.PHHC.042147



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

110

CWP-3790-2026

Date of decision: March 18, 2026

JAI SHREE

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Shelika, Advocate
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed seeking a writ of *mandamus* directing the respondents to release family pension and death-cum-retiral benefits in favour of the petitioner, being mother of minor child of the deceased.

2. Learned State counsel has received instructions from respondent no.3/Director General, Technical Education, vide memo dated 20.02.2026, which is retained on the case file along with enclosures as Annexure 'A'. Referring to the same, she contended that the petitioner's husband, who was serving as Assistant in Government Polytechnic, Jhajjar, expired on 22.10.2024. He was survived by the petitioner, a minor son and mother. After the demise, all due retiral benefits were released to the petitioner being the lawful nominee, and was sanctioned family pension up to January, 2025. However, on 25.02.2025, she solemnized second marriage

and the deceased's mother/minor's grandmother has filed a petition seeking custody of the minor under the Guardians and Wards Act before the District Court, Rohtak. In such a situation, as per the Rules, family pension can only be released to the legal guardian appointed by the Court.

3. Learned counsel for the petitioner, however, contends that during pendency of the litigation before the District Court, the petitioner should be released the due family pension as well as the arrears, since the child at present is in her custody.

4. Considering the submissions, this Court is not inclined to grant the relief claimed, as the lawful guardian of the child still remains to be appointed by the competent Court which is seized of the matter. And any claim for interim relief or seeking pensionary benefits during pendency of the petition, can only be raised before the Court concerned.

5. In view thereof, the petition stands disposed of granting liberty to the petitioner to move appropriate application before the concerned Court at Rohtak.

March 18, 2026

Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*