

aside by the by the Tribunal in OA No.1209 of 2019 titled “**Smt. Asha d/o Late Ex SGT PC Singh vs. Union of India and ors.**” vide order dated 23.05.2023 hence, any reliance being placed upon the instructions dated 17.11.2017 issued by the Government, would be incorrect.

4. Learned counsel for the respondent submits that as per the order passed by this Court in CWP No. 9444 of 2026 titled “**Union of India and ors. Vs. Kiran Kumari and another**”, decided on 30.03.2026 by which, the divorced daughters are held entitled for the benefit of pension even if the divorce took place even after death of the pensioner hence, the grievance being raised by the learned counsel for the petitioners is contrary to the law settled by this Court in **Kiran Kumari’s case (supra)**.

5. We have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

6. The facts of the case are such that the father of respondent No.1 was transferred to pension establishment w.e.f 31.10.1995 after rendering service of more than 28 years and was granted the benefit of service pension in the rank of Honorary Lieutenant. Father of the respondent No.1 died on 24.05.2001. The mother of respondent No.1, who was granted the benefit of family pension w.e.f 25.05.2001, died on 02.08.2002. After the demise of both the parents, respondent No.1 got married on 23.01.2004 and got divorced on 07.02.2014. Nothing has been brought to the notice of this Court to show that once the benefit of pension is stopped after the death of the pensioner, the same cannot be allowed in favour of respondent No.1 who got divorced after the death of her parents especially when she was dependent on her father prior to the solemnization of marriage.

7. It may be noticed that the said instructions dated 17.11.2017 will not come into play qua claim of respondent No.1 merely on the ground that the daughters who were divorced at the time of the death of the pensioners only are entitled to the family pension, has already been set aside by the Tribunal in **Smt. Asha d/o Late Ex SGT PC Singh’s case (supra)** vide order dated 23.05.2023.

8. Once, the said instructions dated 17.11.2017 have been set aside, placing reliance of the same in the present petition, cannot be accepted.

9. Further, in *Kiran Kumari's case (supra)*, this Court has held that even in a case where a daughter of a pensioner was have a strained married life and the divorce proceedings were going on, which concluded after the death of the pensioner, such divorced daughter will also be entitled for benefit of family pension, which covers the case of the respondent No.1 in her favour especially, when after the death of both the parents of respondent No.1, she was granted Family Pension, which was stopped after her marriage. After the dissolution of the marriage, she again became entitled for family pension.

10. No other argument has been raised.

11. Hence, in the absence of any perversity being pointed out in the impugned order dated 02.01.2023 (Annexure P-3) passed in OA No.1114 of 2016 dated 27.02.2016 (Annexure P-1), either on the basis of the facts or the settled principle of law, no ground is made out for any interference by this Court in the facts and circumstances of the present case and the **writ petition is accordingly dismissed.**

12. A photocopy of this order be placed on the file of another connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

24-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO