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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 2924/2026

RANJANA .....Petitioner

Through: Mr. Pardeep and Ms. Saumya Dwivedi, Advocates.

versus

BSES YAMUNA POWER LTD .....Respondent

Through: Mrs. Avnish Ahlawat, SC for GNCTD Services with Mr. N.K. Singh, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for R-2, 3.
Mr. Sandeep Prabhakar, Senior Advocate with Mr. Amit Kumar and Mr. Vikas Mehta, Advocates for R-1.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

<u>O R D E R</u>

% 21.04.2026

1. This petition under Article 226 of the Constitution of India seeks issuance of directions to the Respondents to release the family pension of the Petitioner, along with arrears and applicable interest. It is the Petitioner's case that her husband, Late Shri Hakumat Rai, deceased on 4th February, 1996 while in service. She had thereafter initiated proceedings before the Court of competent jurisdiction and obtained a succession certificate. In terms thereof, the pensionary benefits have to be released in her favour which has not been done despite multiple requests.

2. The Petitioner claims to be the legally wedded wife of Late Shri

Hakumat Rai, who was employed with DESU Office, now under BSES Yamuna Power Limited.

3. It is further noted that the Petitioner is the second wife of the deceased employee, the first wife having predeceased him on 24th August, 1993. The question of entitlement to the terminal benefits and family pension of the deceased employee was the subject matter of Succession Case No. 51/2010, wherein Dal Chand, the deceased's son from his first marriage, along with his two younger siblings, was an objector. In the said proceedings, BSES Yamuna Power Limited filed a reply dated 12th August, 2010 setting out the details of the dues payable in respect of the deceased employee. The relevant extract of the said reply is reproduced below:

"D.O.H.: 12.08.10

REPLY ON BEHALF OF BSES YPL

PRELIMINARY SUBMISSION:

The details of the family pension, Death Gratuity and GPF in respect of Late Hakumat Rai, E. No. 8843 Ex. Ferro Printer are as under:

1.	***Family Pension***	*Enhanced Rs. 2,850/- p.m. w.e.f. 05.02.96 to 04.02.03*
		Ordinary Rs. 1,710/- p.m. w.e.f. 05.02.03 to 31.12.05
		Rs. 4,000/- p.m. w.e.f. 01.01.2006 onwards

D.A. as per rules.

2.	***Death Gratuity***	*Rs. 1,48,200/-*
3.	***Leave Encashment***	*NIL*
4.	***GPF***	*Rs. 63,685/-*

DELHI
DATED-12.08.10"

4. During the course of the said proceedings, the parties were referred to mediation, which culminated in a settlement dated 22nd January, 2013. In terms of the said settlement, the objectors gave no objection to the issuance of a succession certificate in favour of the Petitioner and her daughter. It was further agreed that the monetary dues of the deceased employee would be apportioned between the parties in the ratio of 60:40, with 60% in favour of the Petitioner and her daughter and 40% in favour of the objector. Crucially, the settlement specifically recorded that the Petitioner would be entitled to receive the family pension, and that no objection would be raised by the objectors in that regard. The said settlement thus resolved all *inter se* disputes between the parties insofar as the terminal benefits and the Petitioner's entitlement to family pension of Late Shri Hakumat Rai.

5. On the basis of the settlement, the said proceedings culminated in a judgment dated 1st July, 2013, whereby a succession certificate was issued in favour of the Petitioner and her daughter to the extent of 60%, and in favour of the objector to the extent of 40%. The relevant extract of the judgement reads as follows:

> *"11. In the facts and circumstances on record, Petitioner Smt. Ranjana and Ms. Isha shall be entitled in respect of 60% and objector Dal Chand shall be entitled 40% of debts and securities of the deceased in terms of settlement Ex.C-1 and as per reply of BSES YPL dated 12.08.2010.*
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> *12. In view of the matter as discussed above, I am of the considered opinion that there is no impediment in grant of succession certificate in favour of Petitioners Smt. Ranjana and Ms. Isha in respect of 60% and in favour of objector Sh. Dal Chand in respect of 40% of debts and securities of the deceased in terms of settlement Ex.C-1 and as per reply of BSES YPL dated 12.08.2010. I accordingly direct that succession certificate be issued in the name of Petitioners Smt. Ranjana and Ms. Isha in respect of 60% and in the name of objector Sh. Dal Chand in respect of 40% of debts and securities of the deceased in terms of settlement Ex.C-1 and as per reply of*

BSES YPL dated 12.08.2010. Court fees and indemnity bond with one surety shall be filed by the Petitioner within 15 days. No further order requires to be passed. File be consigned to the Record Room."

6. The succession certificate dated 1st July, 2013 issued pursuant to the aforesaid judgment also reflects the entitlement of the Petitioner. The relevant extract is reproduced below:

SUCCESSION CERTIFICATE

COURT FEE AFFIXED FOR Rs.3,200/-
Vide e-Court Fee Receipt No.DL.CT1203L1358O013

IN THE COURT OF SHRI SAURABH PARTAP SINGH LALER
ADMINISTRATIVE CIVIL JUDGE (WEST DISTRICT) : DELHI

PETITION NO.SC-51/2010

Saurabh Partap Singh Laler
Administrative Civil Judge-cum
Additional Rent Controller (West)
Court Room No. 112
Tis Hazari Courts, Delhi

D.O.D.01.07.2013

TITLE: Ranjana Vs. State

Smt. Ranjana ..... Petitioner No.1
W/o Late Shri Hakumat Rai

Ms. Isha ..... Petitioner No.2
D/o Late Shri Hakumat Rai
Both R/o H.No. 246, Phase – 1A
Shiv Shanker Road, Om Vihar
Uttam Nagar
New Delhi – 110 059

THE DEBTS & SECURITIES OF LATE SHRI HAKUMATRAI S/o Late Mohan Lal Kohli (Deceased):-

Whereas you applied on 03.05.2010 for a Certificate under section 372 of the Indian Succession Act, 1925, in respect of the following debts and securities namely:-

S. No	NAME OF DEBTORS	AMOUNT OF DEBTS INTEREST ON DATE OFAPPLICATION	DESCRIPTION IF ANY BY WHICH THE DEBTS IS SECURED
1.	BSES Rajdhani Power Limited BSES Bhawan, Nehru Place New Delhi – 110 019	Family Pension / D.A. as mentioned in your reply dated 12.08.2010 Death Gratuity Rs. 1,48,200/- G.P.F. Rs.63,685/-	Vide reply dated 12.08.2010 of BSES Rajdhani Power Limited and Mediation Settlement order dated 22.01.2013 are attached herewith.

7. Despite the aforesaid settlement and the issuance of the succession certificate by a court of competent jurisdiction, the family pension has not been released to the Petitioner till date, notwithstanding repeated

representations made over the years. It is stated that the Petitioner has been continuously pursuing the matter with the Respondent authorities; however, no final decision has been taken till date.

8. Having regard to the succession certificate, this Court is of the *prima facie* view that the Petitioner would be entitled to the pensionary benefits. Further, in terms of the Central Civil Services Pension Rules, family pension becomes payable from the date following the death of the employee. *Prima facie*, therefore, the Petitioner would be entitled to family pension with effect from 5th February, 1996, i.e., the date following the demise of Late Shri Hakumat Rai. However, since no counter affidavit has been filed and the claim has not been decided by the Respondents, this Court deems it appropriate to direct consideration of the Petitioner's claim in accordance with law, by treating this petition as a representation.

9. It has been submitted on behalf of the Respondents that certain *inter se* communications and procedural formalities are required to be completed before a final decision can be taken on the Petitioner's request. This Court is not inclined to examine the said aspect in the present proceedings. However, the Respondents are expected to resolve any such administrative or inter-departmental issues amongst themselves and ensure that the Petitioner's claim is not kept pending on that account.

10. Accordingly, the present writ petition is disposed of with the following directions:

a. The Respondents shall consider the instant petition as the Petitioner's claim for release of family pension in the light of the settlement dated 22nd January, 2013 and the succession certificate dated 1st July, 2013, and take a decision in accordance with the applicable pension rules within a period of four weeks from today;

b. In the event the Petitioner is found entitled, the family pension along with admissible arrears shall be released expeditiously;

c. In the event the Respondents take a view adverse to the Petitioner, a reasoned order shall be passed and communicated to her within the aforesaid period;

d. In the absence of clarity on record as to which of the Respondents is the competent authority to take a decision on the Petitioner's claim, Respondent No. 1 as well as Respondent Nos. 2 and 3 shall consider the Petitioner's claim and pass separate reasoned orders, if necessary, within the stipulated period.

11. With the above directions, the petition is disposed of. The Petitioner shall be at liberty to avail appropriate remedies in accordance with law, if aggrieved by the decision so taken.

SANJEEV NARULA, J

APRIL 21, 2026
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