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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 10594/2022**Date of Decision: **10.02.2026****IN THE MATTER OF:****DINESH KUMAR & ORS.**

.....Petitioners

Through: Mr Vidya Sagar and Mr Amolak,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Manish Kumar, SPC with Ms.
Pragya Bharti, Advocates.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is for following reliefs :

*(a) The official communication dated 20/23-5-2022 (Annexure-I) received from the Respondents may be struck down as arbitrary, ultra vires and Illegal,**(b) The Respondents may be directed to release the amount of Rs 3,85,684 along with interest @ 18% p.a. to the Petitioners through their elder brother**i.e. , Petitioner no.1, on furnishing of an Indemnity bond of the total amount so calculated,**(c) allow any other relief as this Hon'ble Court considers would be in the Petitioners' interests, award costs of this writ petitioner.*

2. The Petitioners are the children and legal heirs of late Shri Ram

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By:PURUSHAINDRA
KUMAR KAURAV



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Singh, who retired from the Central Government on 31.12.2000 and passed away on 26.04.2021. In the year 2000, during his service, he was entitled to promotion to the Junior Administrative Grade (JAG) of the Indian Civil Accounts Service. However, the said promotion was withheld on account of the pendency of a criminal case at that time.

3. Subsequently, in 2012, Shri Ram Singh was acquitted in the said criminal case and, thereafter, requested the concerned authorities to grant him the promotional and consequential pensionary benefits. However, the same was declined on the ground that he had already been superannuated from service.

4. Aggrieved thereby, he filed W.P. (C) No. 9757/2019 before this Court challenging the refusal and vide judgment dated 10.07.2020, this Court allowed the petition. The said judgement was challenged by the Government before the Supreme Court by way of SLP (C) No. 14091 of 2020, which came to be dismissed vide order dated 07.01.2021.

5. The Respondents issued an order dated 13.05.2021 granting promotion retrospectively w.e.f. 24.04.2000 along with refixation of pay and revision of pension. The said promotion order was issued posthumously. Consequently, arrears amounting to Rs. 3,85,684/- became payable. However, vide the impugned order dated 20/23.05.2022, the respondents have insisted upon production of a succession certificate for release of the said amount.

6. In the impugned order dated 20/23.05.2022, reference is made to Office Memorandum dated 10.07.2013 and 06.04.2022 to require the petitioner to produce the succession certificate.

7. A careful perusal of the Office Memoranda dated 10.07.2013 and



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06.04.2022 issued by the Department of Pension & Pensioners' Welfare indicates that in cases where no valid nomination exists, insistence on a succession certificate is not envisaged as an invariable requirement. The said instructions categorically contemplate release of arrears of pension or family pension on the basis of satisfactory documentary proof establishing the claimant's relationship and legal heirship, thereby obviating unnecessary hardship to the beneficiaries. The petitioners, however, submits that the survivorship certificate has been produced and the same should suffice the requirement of compliance.

8. It is stated that, except the petitioners, there is no legal heir of the deceased late Shri Ram Singh. They also submit that even after the expiry of late Shri Ram Singh, no other claimant has laid any claim on the deceased pension etc.

9. Learned Counsel for the petitioner, places reliance on the decision of the Supreme Court in the case of *C. K. Prahalada and Ors. vs. State of Karnataka and Ors.*¹, *State of Chhattisgarh and Ors. vs. Dhirjo Kumar Sengar*², decisions of this Court in the case of *Kamaldeep Kaur Wahi vs. Director of Education*³, *Krishna Sobti vs. State*⁴, *Santosh Khurana vs. Secretary, Land & Building Department*⁵ and decisions passed by the Karnataka High Court in the case of *Sri H. J. Shanthosh Kumar vs. The Deputy Commissioner of Excise and Anra.*⁶

10. The Karnataka High Court in *Union of India Department of Postal*

¹ (2008) 15 SCC 577

² (2009) 13 SCC 600

³ 2006 SCC OnLine Del 1480

⁴ 2016 SCC OnLine Del 3152

⁵ 2015 SCC OnLine Del 11603

⁶ ORDER DATED - 1.10.2013 W.P.(C) 44946/2013



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*and Telegraph and Another vs. Smt. Seethamma*⁷ has held as under:

5. Insofar as the second condition of Sri Prakash Shetty is concerned, admittedly, the respondent has produced the legal heirship certificate issued by the Tahsildar, which is a valid document. To draw the family pension, no succession certificate is required. In addition to that her name would be found in the service records of late P.N. Rama Iyengar. Unfortunately, the service records have not been looked into before filing this appeal.

11. It is well settled that a succession certificate ought not to be insisted upon as a matter of course where the legal heirship is undisputed and stands duly established. In the absence of any rival or competing claims, and where the identity and entitlement of the legal heirs are clearly verified, the competent authority may release retiral benefits, pensionary dues, compensation. Nothing contrary has been submitted by learned counsel for the respondent.

12. Having considered the overall prospectus of the facts and situation and in absence of their being any specific requirement under both the Office Memorandums, the Court finds that insistence for production of the succession certificate is not called for. The respondents are accordingly directed to act upon the petitioner's request on production of survivorship certificate.

13. With the aforesaid directions, the petition, along with pending application(s), if any, stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

FEBRUARY 10, 2026

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⁷ ILR 2013 KAR 4911