



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24256-2025

Date of Decision:15.09.2025

Balvir Kaur

...Petitioner

Vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. K.S Sidhu, Advocate with
Ms. Kirandeep Kaur, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present writ petition under Article 226 of the Constitution of India with a prayer to issue a writ in the nature of Certiorari for quashing of the impugned orders dated 09.07.2025 and 13.05.2025 (Annexures P-10 and P-11) respectively, whereby, the claim of the petitioner for grant of 100% family pension, being the second wife of deceased Gurmukh Singh, since deceased has been rejected illegally. It is further prayer in the petition that the petitioner is entitled to 100% family pension as per rules 6.17 of Punjab Civil Service Rules Volume-II and the law laid down by this Court in various judgments (Annexures P-6 to P-8 and P-12). A further prayer has been made to pay interest on the delayed payment of family pension in favour of the petitioner.

2. Learned counsel for the petitioner contends that Gurmukh Singh, husband of the petitioner was working as Librarian Assistant with Government Senior Secondary School, Pinjoli Kalan, Tehsil and District Fatehgarh Sahib. He was married to Sukhwinder Kaur, who expired on 07.03.2004, during the

life time of Gurmukh Singh. Out of the said wedlock, three childrens were born namely Narinder Singh, Gurjinder Singh and Navpreet Kaur. After the death of Sukhwinder Kaur, Gurmukh Singh had performed second marriage with the present petitioner and a male child namely Iqbal Singh was born on 21.01.2006. Unfortunately, Gurmukh Singh died in harness on 12.10.2013, leaving behind two sons and one daughter from Sukhwinder Kaur and one son, who was born to the petitioner, being the second wife. Initially, as per rules 6.17 of Punjab Civil Service Rules Volume II, the petitioner and Narinder Singh, elder son of Gurmukh Singh were granted family pension in equal share. Later on, Narinder Singh was appointed on compassionate grounds vide order dated 24.05.2014 and the half share of the family pension was granted to Gurjinder Singh, who was aged about 18 years at that time. Even, Gurjinder Singh had attained the age of 25 years. Consequently, the petitioner alone is equally entitled to receive 100% family pension in view of Rules 6.17 of Punjab Civil Service Rules Volume II. He further contends that all the aforestated facts were part of official record, which was available with the official respondents as well. However, by completely overlooking the official records, the case of the petitioner for grant of 100% family pension has been wrongly rejected by passing the orders (Annexures P-10 and P-11). Learned counsel further contends that vide order dated 09.07.2025 (Annexure P-10), it has been observed that 100% family pension can be granted to a second wife subject to fulfillment of other conditions i.e. where the first wife is deceased and her children are either not available or not entitled to the family pension and only in cases, where the Hon'ble Court has specifically passed such order. Similar observations have been made by the respondents in the order (Annexure P-11) as well. In fact, the

entire record pertaining to the family of Gurmukh Singh has already available with the official respondents and the reasons recorded in the impugned orders (Annexures P-10 and P-11) are highly unreasonable and without any basis. Moreover, for getting the family pension as per rules 6.17 of aforesaid rules, no direction from any Hon'ble Court is required and the entitlement has to be decided by the official respondents.

3. On the other hand learned State counsel submits that vide the impugned orders (Annexures P-10 and P-11), the case of the petitioner was not rejected by the respondents and rather it has been stated that she was only entitled to family pension subject to fulfillment of certain conditions. Still further, he is not in a position to controvert the factual submissions made by learned counsel for the petitioner in the present case.

4. I have heard the learned counsel for the parties and with their able assistance, I have gone through the record carefully.

5. From the facts of the present case, it is apparent that Gurmukh Singh was earlier married to Sukhwinder Kaur, who had died on 07.03.2004, during his life time. Even, Narinder Singh born out of the said wedlock, who was granted compassionate appointment on 24.05.2014 and he was not entitled to the family pension. Later on, another son namely Gurjinder Singh, attained the age of 25 years on 23.12.2019. Thereafter, the petitioner was entitled to 100% family pension and despite her repeated requests and representations, she was not granted the benefit in view of Note 1 and Note 2 of Rule 6.17 of Punjab Civil Service Rules, which has been reproduced below:-

Note 1-When a government employee is survived by more than one widow the pension will be paid to them in equal shares. On the death of the widow her

share of the pension will become payable to her eligible minor child. If at the time of death widow leaves no eligible minor child, the payment of her pension shall cease.

Note 2 When a government employee is survived by a widow but has left behind eligible minor child from another wife, the eligible minor child will be paid the share of the pension which the mother would have received if she had been alive at the time of the death of the government employee."

6. Thus, keeping in view the aforestated factual position as well as the provisions of 6.17 of Punjab Civil Service Rules Volume II, the petitioner is entitled to 100% grant the family pension.

7. Even, from a bare perusal of the impugned orders, (Annexures P-10 and P-11), it is apparent that frivolous objections have been raised and both the orders are mischievously drafted. It appears that the orders have been passed only to deny the rightful claim to the present petitioner, who was otherwise legally entitled to the same for the last several years. Even, it is equally painful to note that a poor widow who is requesting the respondents for the last several years to grant family pension to her as per her legal entitlement, but at every stage, frivolous objections have been raised by the officials of respondents. Even, the case of the petitioner was squarely covered by the law laid down by this Court in the matter of "**Kulwant Kaur Vs. State of Punjab and Others**", **CWP-1604-2023, decided on 11.12.2024**, but still the petitioner was not granted 100% family pension.

8. The relevant extract of the abovesaid judgment has been reproduced below:-

*The issue whether the surviving member will be entitled for 100% family pension or 50% will cease, is no longer res integra. As per the judgment of this Court in Ravinder Kaur (supra), a surviving member will be entitled for 100% of the family pension. Once, the law has already been settled on the issue and was noticed when the petitioner earlier approached this Court by way of filing CWP-4822-2022, still the respondents declined the said claim and that too by citing a reason that pension is being paid by the bank and not by the department. It may be noticed that the Bank is only paying the pension which the department sanctions. The sanctioning of the pension by the administrative department is must before the bank releases the same hence, the action of the respondent rejecting the claim of the petitioner on a frivolous ground that too without noticing the settled principle of law settled by this Court in **Ravinder Kaur (supra)** is arbitrary and illegal. Relevant paragraph of the judgment is as under:-*

8. *“The only question of law arising for determination in this writ petition is as to whether, the share of the first wife will be transferred to the second wife after the legal heirs of the first wife becomes ineligible to receive family pension, keeping in view the Note (I) below Rule 6.17 (4) of the Punjab Civil Services Rules Volume-II. The said question has already been decided by the Hon'ble Division Bench of this Court while deciding LPA No.1434 of 2014, titled as The State of Punjab and others Vs. Harpal Kaur, on 01.09.2014. In the said case, the same objection was taken by the respondents that as per Note (I) below Rule 6.17 (4) of the Punjab Civil Services Rules Volume-II, the share of the first wife ceases when the minor children who were granted the benefit of family pension after the death of the first wife, becomes ineligible for the grant of family pension. After considering the said Rule, this Court has held that 100% share of the family pension is to be given to the legal heirs and any portion of the same cannot be retained by the Government. The Division Bench has held that in case, the children of the first wife on attaining the age of 25 years become ineligible for the grant of the family pension, the said*

share is to be transferred to the other eligible legal heirs, which could be the second wife or the parents as the case may be and the same does not cease. The relevant portion of the said judgment is as under:- “In this case, Jit Singh was an employee of the Punjab Government. He died in harness on February 15, 2004, leaving behind one son from his pre-deceased wife and one son born to respondent Harpal Kaur (the second wife). In accordance with the provisions of Rule 6.17 of the Punjab Civil Service Rules Volume II (hereinafter referred to as ‘the Rules’), the respondent and son of pre-deceased wife of the deceased employee were granted family pension in equal share. The son of pre-deceased wife of the deceased employee attained the age of 25 years on October 28, 2005 and as per the instructions dated March 07, 2005 (Annexure P-3) issued by the appellants, payment of half share of the family pension was stopped to him with effect from October 29, 2005. At that stage, the respondent moved an application (Annexure P-5) to the Accountant General, Punjab (appellant No.4 herein) for grant of full family pension, in view of Note 1 and 2 of Rule 6.17 of the Rules, which read as under :

“Note 1 – When a government employee is survived by more than one widow the pension will be paid to them in equal shares. On the death of the widow her share of the pension will become payable to her eligible minor child. If at the time of death widow leaves no eligible minor child, the payment of her pension shall cease.

Note 2 – When a government employee is survived by a widow but has left behind eligible minor child from another wife, the eligible minor child will be paid the share of the pension which the mother would have received if she had been alive at the time of the death of the government employee.”

The claim of the respondent was rejected by the appellants on the ground that after attaining the age of 25 years, the right of son of the pre-deceased wife of the deceased employee to draw 50% of the family pension ceased and the said share could not have been granted to the respondent. This interpretation was given by the

appellants in view of Note 1 and 2, as quoted above. The contention of the appellants is without any substance and the same cannot be accepted, as earlier in the similar circumstances, exactly the similar Rule was interpreted by a Division Bench of this Court in the case of Ram Dulari versus State of Haryana and others (CWP No. 3359 of 2008, decided on July 03, 2009). Copy of the judgment rendered in the said case was annexed with the writ petition as Annexure P-1. In that case, it was held that widow of the deceased employee, in absence of any eligible heir from her and from the first wife of the deceased employee, is entitled to get full family pension. The observations of the Division Bench read as under :

“11. The argument of the respondents is wholly misconceived when they argued that according to Note (I) of sub-clause (iii) of clause 4 of the ‘Pension Scheme’ once the minor children have stopped getting their share on account of attaining majority then the 50% share would cease. A perusal of Note (i) would show that the aforesaid provision is applicable only in a case where an employee is survived by more than one widow. In the present case there was only one widow on the date of death of Shri Mehar Singh. It has come on record that Shri Mehar Singh died on 27.8.1980 and his earlier wife Smt. Sona Devi had predeceased him in the year 1976 leaving behind three children, namely, Raj Singh, Manju Rani and Braham Singh, who were born on 5.1.1972, 20.3.1974 and 13.5.1974 respectively. Then he married the petitioner. It is further appropriate to mention that the petitioner also had a minor child, namely, Megh Raj, who was born on 8.12.1980. Therefore, Note (i) would have no application in the absence of at least two widows. The present is a case of one widow who had a minor child of her own and three minor children of her husband, born out of his wedlock with Smt. Sona Devi, who had predeceased him. The respondents have totally misdirected themselves in applying Note (i) to the case of the petitioner whereas the matter is covered by Note (ii) of sub-clause (iii) of clause 4 of the ‘Pension Scheme’,

which does not contemplate ceasing of pension. Therefore, there is no substance in the argument of the respondents and the same is rejected.

12. For the reasons aforementioned, this petition succeeds. Order dated 17.7.2007 (P-7) passed by the Director General of Police respondent No. 2 is set aside. The respondents are directed to release 50% share of the family pension to the petitioner, which was being paid to the minor children of deceased wife of Shri Mehar Singh, namely, Smt. Sona Devi, to the petitioner. It is clarified that the petitioner would now be entitled to 100% pension. The petitioner shall also be entitled to all the arrears with effect from May 2001 till date along with interest at the rate of nine percent per annum.” Learned counsel for the appellants argued that even after the said judgment, in the State of Punjab, there is dichotomy about the interpretation of the aforesaid provisions. But we do not find any dichotomy in Punjab also, because the Punjab Civil Service Rules are exactly the same, and the situation as well as the facts and circumstances in Ram Dulari's case (supra) were also exactly the same. The reason is obvious. On the date of death of the deceased employee, his eligible dependents are to be identified, to whom the family pension is to be granted. If from the predeceased wife, children are there, they are eligible legal heirs and are entitled to get family pension till they attain the age of 25 years. In the instant case, son of the predeceased wife of the deceased employee being eligible legal heir was entitled to have family pension upto the date of his attaining the age of 25 years and thereafter, his share was to be restored or to be given to the remaining legal heirs of the deceased employee. In this case, widow of the deceased employee and her son survive and both of them are entitled to have family pension in equal shares. In any case, the State is liable to pay 100% family pension, which can be shared by any number of legal heirs of the deceased employee, but the State cannot retain the share of one legal heir on the ground that he has attained the age of 25 years and his right to have family

pension has ceased. The family pension is an estate of the legal heirs of the deceased employee. The apportionment of the family pension of a deceased employee is not the business of the State. Right in the family pension will devolve according to the Hindu Succession Act, 1956. Thus, we do not find any illegality in the impugned order passed by the learned Single Judge”

9. Counsel for the respondents is unable to distinguish the present case from the decision of the Division Bench in LPA No.1434 of 2014 decided on 01.09.2014. Division Bench of this Court interpreted the Note (I) below Rule 6.17.

(4) of the Punjab Civil Services Rules Volume-II while giving the finding that the family pension is estate of the legal heirs of the deceased employee and hence cannot be ceased in any manner by the State as the State is liable to pay 100% family pension which can be shared by any number of the legal heirs of the deceased employee but the State cannot retain the same on the ground that one of the recipients of the family pension has become ineligible and therefore, the same is ceased and cannot be transferred to the other legal heirs.”

Keeping in view the same, impugned order is set aside, The petitioner is held entitled for 100% family pension from the date her late husband died along with arrears. As there was no valid justification in declining the petitioner benefit, petitioner will also be entitled for interest on the arrears of family pension which will be paid under this order from the date the petitioner became entitled for the release of the 100% family pension i.e from the date of death of her husband till the actual payment of the same.

9. Keeping in view the aforesaid discussion, the petitioner, being the widow of Gurmukh Singh is held entitled to 100% family pension w.e.f the date, when Gurjinder Singh had attained the age of 25 years i.e.23.12.2019 along with arrears. Even, the petitioner shall be awarded interest at the rate of

6% per annum on the arrears of family pension, which shall be paid to her within a period of four months, from the date of receipt of certified copy of this order.

10. Still, from the facts of the present case, it is also apparent that the petitioner, who is a widow has been unreasonably harassed, without any valid justification by the officials of respondents No.2 to 4. Consequently, the petitioner is also held entitled to a compensation of Rs.50,000/- which shall be paid by the official, who is found responsible for delaying the claim of the present petitioner.

11. In the first instance, the amount of compensation shall be paid to the petitioner by respondent No.2 within a period of four months from today and he shall at liberty to recover the same from the salary of the employees, who had intentionally delayed the claim of the present petitioner.

12. The petition stands allowed in above terms.

(N.S.SHEKHAWAT)
JUDGE

15.09.2025
hitesh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No