



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

**CWP No.5852 of 2025
Date of Decision: 03.03.2025**

Union of India and others

.....Petitioners.

Versus

Komal and another

.....Respondents.

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present:- Mr. Piyush Khanna, Advocate
for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

The petitioners before this Court assail the order dated 23.04.2024 passed by the Central Administrative Tribunal, Chandigarh Bench (for short, 'the CAT'), whereby the **O.A. No.60/613/2022** filed by applicant-Komal has been allowed and the petitioners have been directed to sanction family pension along-with arrears to the applicant w.e.f. 02.04.2014, within a period of one month from the date of receipt of certified copy of the order.

2. The order passed on 23.04.2024 has been challenged before this Court in December, 2024. Learned counsel submits that since the deceased-mother did not enter the name of the applicant in the service record, it cannot be proved that she was the child of the deceased. Learned



counsel further submits that although the birth certificate of the applicant was produced and affidavits of the other two siblings were also filed, since the mother had not availed of the maternity leave, there is a doubt that the deceased was not real mother of the applicant.

3. We have considered the submissions.

4. Brief facts, which are on record, are that the applicant's mother joined the Income Tax Department as a Chowkidar on 06.03.1992 and there is a birth certificate which reflects that the applicant was born on 20.06.1996. However, her name is not added as a family member in the service record of her mother. That apart, the applicant's father died on 06.10.2009 and the name of the applicant is mentioned in his service record as his daughter and she has been released family pension of her father who was working as a Safai Wala in MES Department. The applicant's father's family pension payment order dated 24.01.2017 granting pension w.e.f. his death, was also placed before the Department. The respondents repeatedly refused her claim and she filed an O.A. before the CAT. The birth certificate was also produced which was issued by the Competent Authority and the allegation by the petitioners is that the same had been procured by giving false documents. Affidavits of her siblings have also been produced. For a child born of a parent who has expired, apart from submitting birth certificate and educational certificates reflecting the parentage, we do not find there is any other document which one can produce to prove the parentage. Once it has come on record that the father's family pension has already been released to the applicant



recognizing her to be his child, and it is the admitted position that the deceased lady was wife of the deceased-father of the applicant, there is no occasion to doubt the birth of the applicant from the deceased-mother. As per law, even if a child is born from an illicit relationship, and the father and mother are having existing marriage in terms of the provisions of the Hindu Succession Act, the child would be treated as their legitimate child.

5. In these circumstances, there is no occasion to doubt the applicant's parentage. The petitioners have not been able to produce any document to counter the claim of the applicant. Therefore, the impugned order dated 23.04.2024 passed by the CAT does not warrant any interference. The writ petition is without any merit and the same is, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

March 03, 2025
Yag Dutt

Whether speaking/reasoned: Yes
Whether Reportable: Yes