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

+ **W.P.(C) 12327/2018**

UNION OF INDIA AND ORS.Petitioners

Through: Mr. Vedansh Anand, SPC, Ms. Shivam Kumar, GP, Mr. Kush Garg, Adv. and Mr. Aprajeet Pandey (officer).

versus

MAMTA DEVIRespondent

Through: Mr. S. S. Tiwari, Mr. Somnath Bhattacharya and Mr. Pradeep Tripathi, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

ORDER

% **20.07.2026**

1. We have heard Mr. S.S. Tiwari, learned Counsel for respondent and Mr. Vedansh Anand, learned SPC for the petitioner, at length.
2. One of the issues which has arisen for consideration is the date on which the respondent filed a divorce petition.
3. The extant instructions seemed to suggest that, if a divorce petition was filed before the death of her father but was decided thereafter, she would be entitled for family pension.
4. In the present case, however, Mr. Anand points out that the divorce decree which is Annexure A-7 to the OA filed before the



Central Administrative Tribunal¹ itself is numbered HMP 226/07 which indicates that it was filed in 2007 after the death of the respondent's father in 2005. If that is so, then, it would imply that on the date of the death of respondent's father, she was married and divorce proceedings have not even commenced.

5. Mr. Tiwari, learned Counsel for the respondent, submits that his client, who is present in Court, has told him that the divorce proceedings were initiated before her father expired.

6. This seems contrary to the Annexure A-7 filed before the Tribunal.

7. We do not find any averment in the OA filed by the respondent before the Tribunal to the effect that divorce proceedings have been initiated before her father died.

8. We have heard the matter for almost 45 minutes and we are not inclined to adjourn it.

9. However, as a matter of indulgence, re-notify as part heard on 4 August 2026 in the supplementary list for disposal.

10. We make it clear that in case the respondent has any material to indicate that the divorce proceedings have commenced before the death of her father, they should be placed on affidavit at least 48 hours in advance of the next date of hearing, after providing a copy to

¹ "Tribunal" hereinafter



learned Counsel for the petitioners.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

JULY 20, 2026/cd