

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 952 of 2024**

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HANSABEN WD/O BABUBHAI RATNAJI ASHODA

Versus

SR DIVISIONAL SECURITY COMMISSIONER (RPF)

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Appearance:

MS BHAKTI M JOSHI(3820) for the Petitioner(s) No. 1

for the Respondent(s) No. 1

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**CORAM:HONOURABLE MR. JUSTICE NIKHIL S. KARIEL****Date : 08/02/2024****ORAL ORDER**

1. Heard learned Advocate Ms.Bhakti Joshi for the petitioner, who by way of this petition *inter alia* raises a grievance as regards non-payment of pension to the petitioner, more particularly claiming that the petitioner was the second wife of one Babubhai Ratnaji Ashoda, who was working as an Inspector in the Railway Protection Force and who expired on 29.12.2022.
2. Considering the submissions made by learned Advocate Ms.Joshi, it would appear that in the nomination form while the employee had mentioned the name of his first wife as nominee entitled for payment of pension, yet on the other hand as per the documents annexed with the present petition, it would appear that the present petitioner was living with the late employee for a substantially long period of time, claiming to be married with the employee concerned. Furthermore, considering the submissions made by learned Advocate Ms.Joshi, more particularly relying upon Rule 75(7)(i)(a) of the Railway Services (Pension) Rules,

1993, while it is envisaged that if there are more than one widow, then the family pension shall be paid to the widows in equal shares and whereas it is the contention of the learned Advocate Ms.Joshi that based upon the said provision that the said provision particularly or even the Railway Services 9Pension) Rules, 1993 do not make any exception as regards a person claiming to be a widow more particularly being the second wife of the deceased employee on the ground that the second marriage was not a valid marriage.

3. Considering the submissions made by learned Advocate for the petitioner, issue notice to the respondents returnable on 14.3.2024. Direct service is permitted.

V.V.P. PODUVAL

**(NIKHIL S. KARIEL,J)**