

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

LPA 164/2025 In [WP(C) 2901/2023]

1. State Bank Of India through its
Regional Manager, HR Section,
Srinagar.

2. Branch Manager, State Bank of
India (SBI), Barzulla, Srinagar.

...Appellant(s)

Through: Mr. Q.R. Shamas, Advocate

Vs.

Smt. Balbir Kaur, (Physically
Disabled/Crippled).
D/O: Joginger Sigh,
Village Arina District: Budgam.

...Respondent(s)

Through: Mr. Mir Majid Bashir, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE.

ORDER(ORAL)

21.04.2026

Per: Sanjeev Kumar-J:

01. This appeal by the State Bank of India filed under Clause 12 of the Letters Patent of this Court is directed against an order and judgment dated 30th April, 2025, passed by the learned Single Judge of this Court [“the writ Court”] in WP(C) No. 2901/2023 titled “**Balbir Kaur Vs. State Bank of India and Anr.**” whereby the writ Court has allowed the writ petition filed by the respondent herein and issued a Writ of Certiorari quashing the communication No. HR/2020-21/284 dated 23rd April, 2020 and directed the appellants herein to

process the Family Pension case of the respondent herein and sanction the same in her favour, as admissible under the Rules, within a period of two months.

02. The impugned judgment is called in question by the appellants primarily on two counts; one that the deceased employee namely Joginder Singh had not disclosed the respondent herein as her daughter in the declaration form submitted by him at the time of his retirement and second that in terms of Rule 23 of the State Bank of India Employees Pension Fund Rules [“Pensionary Regulations”], the respondent was not eligible to claim Family Pension on the ground that the disability had not manifested before retirement or death in harness.

03. Before we advert to the grounds of challenge urged by Mr. Q.R. Shamas, learned counsel for the appellants, we deem it appropriate to state few facts which are germane to the disposal of this appeal. Late Joginder Singh, the father of the respondent who was a retired Army person was reemployed by the appellant-Bank as a Security Guard on 04.08.1971. He attained the age of superannuation on 31.03.1994 and was sanctioned pension under the Pensionary Regulations of the Bank.

04. Late Shri Joginder Singh passed away on 16th June, 2010 leaving behind a crippled daughter i.e., the respondent herein. The wife of late Joginder Singh had pre-deceased him. The respondent herein staked her claim for

the Family Pension under Rule 23(i) of the Pensionary Regulations on the ground that she was a physically crippled/ disabled daughter and had been rendered unable to earn a living. She supported her claim with a medical certificate indicating the disability as congenital and existing since 1975.

05. The appellants considered the claim of the respondent but rejected the same vide communication No. HR/2020-21/284 dated 23rd April, 2020 on the ground that as per the records of the Bank and the declaration form submitted by the deceased employee, she was not dependent legal heir of the deceased employee and also that she did not fall within the eligibility criteria laid down in the Rule 23 of the Pensionary Regulations.

06. Feeling aggrieved, the respondent herein challenged the communication dated 23rd April, 2020 in WP(C) No. 2901/2023, which upon contest by the appellants has been allowed by the writ Court in terms of the judgment impugned before us in this appeal.

07. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgment passed by the writ Court is perfectly legal and does not call for any interference by us in this appeal.

08. The grounds of challenge urged by Mr. Q.R. Shamas, learned counsel appearing for the appellants have

been duly considered and dealt with by the writ Court. It is not in dispute that the respondent is a crippled daughter of late Shri. Joginder Singh, a retired employee of the appellant-Bank and is not in a position to earn her living. It is true that at the time of processing the case of late Shri. Joginder Singh for post retiral benefits a declaration was submitted by him indicating her wife as the dependent entitled to Family Pension. The name of the respondent, a crippled daughter, was not specifically indicated. However, from reading of the pension payment order, we find that the mistake committed by late Shri. Joginder Singh, in not mentioning the name of his crippled daughter appears to be bonafide. He seems to have omitted her name on the understanding that during the lifetime of his wife, her daughter might not be entitled to family pension.

09. Coming to the norms of eligibility prescribed under Rule 23 of the Pensionary Regulations, we find that a major son/daughter of a deceased pensioner of the Bank is entitled to pension if he/she fulfills the following conditions:-

- (i) ***If he/she is physically crippled/disabled so as to render her unable to earn a living.***
- (ii) ***That the disability has manifested itself in the child before retirement or death in harness.***

10. The Rule has been extensively reproduced by the writ Court. However, for facility of reference we deem it appropriate to set out the Rule below:-

Eligibility:-

- (i) *Spouse of the employee, if the member dies during service after putting in a minimum of one year pensionable service.*
- (ii) *Eligible only if the deceased employee was eligible for pension. If the employee was not eligible/deprived of pension benefits, then his family will not get benefits under this scheme.*
- (iii) *Family pension is payable.*
 - (a) *To widow/widower up to her/his death or remarriage whichever is earlier.*
 - (b) *Falling (a) above to the eldest surviving children in order of their birth up to the age of 25 years or he/she is gainfully employed whichever is earlier.*
 - (c) *In case the beneficiary is an unmarried daughter, until she attains 25 years of age or is married or is gainfully employed whichever occurs first.*
 - (d) *This process will continue till the last beneficiary attains the age of 25 years or is gainfully employed or married in case of daughter, whichever is earlier.*
 - (e) *Fresh sanction should be obtained in respect of every beneficiary as and when there is change of beneficiary as above, where simultaneous sanction of family pension was*

not obtained along with sanction of pension as per new instructions.

(f) In case of twin children, family pension will be payable to both in the proportion of 50:50.

(g) Family pension will be payable even if the widow/widower is working in the Bank on compassionate grounds.

(h) If the pensioner leaves two legally wedded wives, the family pension is payable to both the wives in equal proportions.

(i) The family pension shall be payable to such son or daughter for life if he/she is physically crippled or disabled so as to render him or her unable to earn a living even after attaining the age of 25 years. Provided that only that disability, which manifests itself in the child before retirement or death of the employee while in service, shall be taken into account.

11. When we examine the case of the respondent as per above regulations, we find that she fulfills all the eligibility requirements for Family Pension. There is no dispute that she is the daughter of the deceased employee. She is crippled for life and is rendered unfit to earn a living, as is clearly certified by the Medical Authority. The disability, as is apparent from the certificate of the Medical Authority, has been assessed as 'congenital' and existing since 1975.

12. In that view of the matter, it cannot be said by the Bank that the disability which has crippled the respondent manifested only after the retirement of the deceased employee. It is pertinent

to mention to here that the deceased employee retired on superannuation on 31.03.1994, whereas the disability in the respondent was in existence and had manifested in the year 1975. It seems that the appellant-Bank took a hyper-technical approach and denied Family Pension to the respondent, primarily, for the reasons that her late father had inadvertently omitted to mention her name in the declaration form submitted at the time of seeking of post retiral benefits. We could have understood if there was a dispute with regard to the relationship of the respondent with late Shri. Joginder Singh the deceased employee.

13. From the record, we find that the respondent is receiving Family Pension from Army having been accepted as a daughter of the deceased.

14. Viewed from any angle, we find no good reason or justification to interfere with the well reasoned judgment passed by the writ Court.

15. For the foregoing reasons, we find no merit in this appeal and the same is, accordingly, **dismissed**.

(SANJAY PARIHAR) (SANJEEV KUMAR)
JUDGE JUDGE

SRINAGAR:

21.04.2026

"Mir Arif"

(a) Whether the order is reportable? Yes/No.

(b) Whether order is speaking? Yes/No.