

ITEM NO.33

COURT NO.5

SECTION IVB

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18991/2012

(From the judgement and order dated 23/01/2012 in LPA No.104/2012 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

NIRMALA DEVI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With prayer for interim relief)

Date: 16/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Jaspal Singh Maanipur, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

The question which arises for consideration in this petition filed against order dated 23.1.2012 passed by the Division Bench of the High Court is whether the petitioner, who is said to have lived with Ramesh Kumar till had death in 2006 is entitled to monetary benefits in lieu of the latter's service.

The petitioner claims that she had married Ramesh Kumar on 25.9.1997. Shri Ramesh Kumar was found dead in his flat on 13.6.2006 in suspicious circumstances. Writ petition filed by the petitioner for directing the respondents to release family pension with interest was dismissed by the learned Single Judge who noted that at the relevant time, the petitioner was married to Shri Suresh Kumar and their marriage was dissolved by decree dated 18.7.2011 in H.M.A. Case No.96/2010. The Division Bench agreed with the learned Single Judge and dismissed the letters patent appeal filed by the petitioner.

A reading of order dated 18.7.2011 passed by Additional Civil Judge (Senior Division), Yamuna Nagar shows that the petitioner had married Suresh Kumar on 26.6.1995. There is no mention in the petition filed under Section 13-B about the petitioner's marriage with Ramesh Kumar in 1997. This shows that for the purpose of getting family pension, the petitioner created the story of her marriage with Ramesh Kumar and after 5 years of his death, she succeeded in getting her marriage with Suresh Kumar dissolved by mutual consent. In this scenario, the view taken by the High Court that the petitioner cannot be treated as wife of late Ramesh Kumar for the purpose of entitling her to get family pension cannot be faulted.

The special leave petition is accordingly dismissed.

|(Parveen Kr.Chawla)
|Court Master

|(Phoolan Wati Arora)
|Court Master

