

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

CWP No.17440 of 2011(O&M)  
Date of Decision:16.03.2012

Angrejo Devi W/o Late Sh. Karam Singh Resident of H.No.8/27, 8-Marla Colony, Near Power House, Panipat, District Panipat.

... Petitioner

Versus

Haryana Vidyut Parsaran Nigam Limited, Shakti Bhawan, Sector 6, Panchkula, through its Managing Director and others.

... Respondents

**CORAM: HON'BLE MR. JUSTICE K. KANNAN**

Present: Mr. Jagbir Malik, Advocate  
for the petitioner

Mr. Praveen Gupta, Advocate,  
for respondents No.1 to 4.

None for respondent No.5.

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1. Whether reporters of local papers may be allowed to see the judgment? NO
2. To be referred to the reporters or not? NO
3. Whether the judgment should be reported in the digest? NO

**K. KANNAN, J. (Oral)**

1. Written statement filed on behalf of respondents No.1 to 4 is taken on record.

2. The matter in controversy in this writ petition is squarely governed by the rule relating to the grant of family pension and the decision rendered by this Court. The issue was that the petitioner, who was a widow of a deceased employee and who was drawing a family pension, could be denied the benefit when she contacted another marriage and when she had given in writing that the family pension would thence be payable to her daughter, who was her daughter through her deceased husband.

3. The petitioner's contention is that she had married only her deceased husband's brother, which was a Kareva form of marriage and as per Rule 219, if a widow was remarried to her deceased husband's brother and continued to live in common with and/or contributes to the support of the other living eligible heirs, she would continue to be entitled to family pension. This issue has been dealt with by this Court in **Kamaljit Kaur v. Union of India and others, 1997(3) PLR 441**. There can be no estoppel against law and even if the petitioner had stated that the family pension could be paid only to her daughter after a remarriage, it ought not to be taken as disentitling her to make the claim. There shall be, therefore, a direction to the respondents to grant family pension to the petitioner and the arrears shall be paid with interest @7.5% per annum from the date when it fell due till the date of payment. The entire arrears shall be paid within a period of 8 weeks from the date of receipt of copy of the order.

4. The writ petition is allowed on the above terms.

16<sup>th</sup> March, 2012  
rajan

( K. KANNAN )  
JUDGE