



2025:DHC:6442-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI*Date of decision: 01.08.2025*

+ W.P.(C) 4501/2018

SMT. SONI DEVI

.....Petitioner

Through: Mr. H. P. Chakravorti,
Advocate (through VC).

versus

UNION OF INDIA AND ANR.

.....Respondents

Through: Mr. R. Mishra and Mr. Mukesh
Tiwari, Advocates.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE MADHU JAIN****ORDER**

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01.08.2025**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioner, challenging the Order dated 09.09.2016 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 3861/2014, titled *Smt. Soni Devi v. UOI and Ors*, by which the learned Tribunal directed the respondent to consider the case of the petitioner and release the family pension to her, however, further directed that the arrears of the same shall be paid only from the date of filing of the O.A., that is, 16.10.2014.

2. The petitioner further challenges the order dated 29.11.2016 passed by the learned Tribunal dismissing the review petition, being R.A. No. 226/2016, filed by the petitioner.



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3. The limited grievance of the petitioner against the Impugned Orders is that the arrears of the family pension should have been directed to be paid by the respondent to the petitioner from the date of the death of her husband, who unfortunately passed away on 02.08.2009, instead of the date of filing of the O.A..
4. The claim of the family pension of the petitioner was contested by the respondent, contending that the deceased had not mentioned the name of the petitioner in the list of his family members. The respondent had, therefore, directed her to produce a succession certificate.
5. Before the learned Tribunal, the respondent further contended that it had received a letter dated 08.02.2014 from Uttariya Railway Mazdoor Union, enclosing therewith an alleged unregistered Will of the deceased employee in favour of one Smt. Sita Devi, that is, the respondent no.3 herein.
6. The petitioner, however, submitted various documents to show that she was legally wedded wife of the deceased.
7. The learned Tribunal, on the basis of those documents, held that there is no justification for the respondent, in absence of a valid claim from any other person, to ignore the documents submitted by the petitioner and deny her the family pension. In spite of the same, the learned Tribunal confined the relief of arrears of the family pension to the petitioner from the date of filing of the OA.
8. We must herein note that in spite of various Orders of this Court, the respondent no.3 has not been served with this petition. However, this may not be relevant as neither the respondent no. 3 nor the



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respondent no. 1 and 2 have challenged the order passed by the learned Tribunal holding the petitioner to be entitled to the family pension.

9. The learned counsel for the petitioner submits that in fact, there is no person like the respondent no.3 and is only a figment of imagination. He submits that no person has laid a claim to the family pension of the deceased, leave alone the respondent no.3.

10. We have also inquired from the learned counsel for the respondent no. 1 and 2 if any other person has made a claim for the family pension of the deceased. He, on instructions, submits that no claim from any other person has been received, except the letter from the Union (referred hereinabove). He further, on instructions, submits that post the passing of the Impugned Order, family pension has been released in favour of the petitioner.

11. In these facts, we find that the denial of the family pension to the petitioner was unjustified. Merely on a letter from the Union (referred above), which itself had no claim to the grant of family pension, the respondent should not have denied the family pension to the petitioner.

12. The learned counsel for the respondent submits that the petitioner did not even know of the death of her husband, that is, the deceased, and this is evident from the fact that she continued to pursue her claim for maintenance, which was finally decided in her favour by the concerned Court *vide* Order dated 02.03.2010, that is, post the death of deceased. He further submits that it is only thereafter, in 2013, that she made her claim for grant of family pension to the



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respondent.

13. We are afraid the above submissions cannot deny the right of the petitioner to the grant of the family pension. The very fact that the petitioner had filed an application seeking maintenance from the deceased, shows that there were some matrimonial disputes between the petitioner and the deceased. For the same, until the same had resulted in a divorce, the grant of family pension to the petitioner could not have been denied. Similarly, merely because there was a delay on the part of the petitioner to move an appropriate application seeking release of the family pension, would not deny her the relief of the same from the date of death of the deceased.

14. Accordingly, we set aside the Impugned Orders only insofar as they confine the relief to the petitioner for the grant of the family pension from the date of filing of the O.A., that is 16.10.2014, and do not grant any interest on arrears.

15. We direct that the petitioner shall be entitled to the grant of the family pension from the date of death of the deceased, that is, 02.08.2009. The arrears of the same be paid by the respondent to the petitioner within a period of four months from today, along with interest @ 6% per annum.

16. The petition is allowed in the above terms.

17. There shall be no costs.

NAVIN CHAWLA, J

MADHU JAIN, J

AUGUST 1, 2025/ssc/P/ik