

CWP-2192-2024
CWP-30264-2018
CWP-5330-2022



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2026.PHHC.034938



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

1) CWP-2192-2024
Paramjit KaurPetitioner
Versus
Punjab State Power Corporation Limited and others ...Respondents

Reserved on: 16.02.2026
Pronounced on: 07.03.2026
Uploaded on: 07.03.2026

2) CWP-30264-2018
Darshana DeviPetitioner
Versus
Haryana Vidyut Prasaran Nigam Limited and others ...Respondents

3) CWP-5330-2022
Sharmila DeviPetitioner
Versus
Uttar Haryana Bijli Vitran Nigam Limited and others ...Respondents

Reserved on: 24.02.2026
Pronounced on: 07.03.2026
Uploaded on: 07.03.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Pawandeep Kaur, Advocate for
Mr. Randeep Singh Waraich, Advocate
for the petitioner in CWP-2192-2024.



Mr. Shivam J. Malik, Advocate
with Mr. Shubham Malik, Advocate
for Mr. Jagbir Malik, Advocate
for the petitioner(s) in CWP-30264-2018 and
CWP-5330-2022.

Mr. Himanshu Gupta, Advocate
for the respondents in CWP-30264-2018.

Mr. Tanvir Singh Attariwala, Advocate
for the respondents in CWP-5330-2022.

None for the respondents in CWP-2192-2024.

Mr. Vikas Arora, DAG, Punjab.

HARPREET SINGH BRAR, J.

1. This common judgment shall dispose of all three of the above mentioned writ petitions as they pose an identical question of law.

2. The present writ petition(s) has been filed under Articles 226/227 of the Constitution of India seeking:

(i) **CWP-2192-2024:** Issuance of a writ in the nature of *Certiorari* for quashing the impugned order dated 27.12.2023 (Annexure P-4) passed by respondent No.2, whereby the claim of the petitioner for family pension, which had been discontinued w.e.f. March, 2022, was rejected. Further, issuance of a writ in the nature of *Mandamus* directing the respondent-department to release family pension to the petitioner.

(ii) **CWP-30264-2018:** Issuance of a writ in the nature of *Certiorari* for quashing order dated 18.05.2017 (Annexure P-6) passed by respondent No.4 vide which the request of the petitioner for restoration of her family pension was rejected without providing any reasons for the same. Further, issuance of a writ in the nature of *Mandamus* directing the



respondents to start monthly family pension of the petitioner and, pay the arrears of the same w.e.f. 01.01.2017 with interest at the rate of 18% p.a.

(iii) **CWP-5330-2022**: Issuance of a writ in the nature of *Certiorari* quashing the impugned action of the respondents whereby the request of the petitioner for restoration of family pension has been orally rejected. Further, issuance of a writ in the nature of *Mandamus* directing the respondents to start monthly family pension of the petitioner and, pay the arrears of the same w.e.f. September, 2020 with interest at the rate of 18% p.a.

CONTENTIONS

(i) CWP-2192-2024

3. Learned counsel for the petitioner contended that the husband of the petitioner namely Piara Singh worked as an Assistant Lineman for the respondent- Department. The marriage between the petitioner and Piara Singh was solemnised in the year 1972 and three children were born from this wedlock. Unfortunately, Piara Singh died in harness on 10.11.1977. Subsequently, the petitioner was married to Karnail Singh, younger brother of Piara Singh, by way of *karewa* marriage. Learned counsel further submitted that the petitioner was continuously receiving family pension till February, 2022, which was stopped abruptly without any prior notice. The petitioner served multiple representations to the respondent-Department but to no avail. Thereafter, the petitioner served a legal notice dated 21.05.2023 (Annexure P-2) on the respondent-Department but received no response. Aggrieved by the same, the petitioner filed ***CWP No.16815 of 2023*** before this Court which was



disposed of with a direction to decide the said legal notice within 08 weeks. Consequently, impugned order dated 27.12.2023 (Annexure P-4) was passed whereby, the petitioner's claim was rejected citing her remarriage with Karnail Singh.

4. Learned counsel for the petitioner contends that the petitioner has been denied family pension only for the reason of her customary remarriage to the brother of the deceased employee. The petitioner has not remarried into a new family but remains a member of the family of the deceased. She relies upon the judgments rendered by respective Division Benches of this Court in ***Kamaljit Kaur vs. Union of India 1998(1) SCT 312*** and ***Kiran Kumar vs. State of Haryana 2004 (1) SCT 650*** to contend that widows remarried to the family of their deceased husband are entitled to family pension as their dependency remains in alignment with the need of the family of the deceased. Further, an amendment was made to Rule 8.35 (2)(b) the Punjab Civil Service Rules Volume II (hereinafter 'PCSR') on 28.05.1975 which provides that a widow who has remarried the brother of the deceased and continues to live a communal life, supporting the deceased employee's family, would be entitled to extraordinary pension.

5. A perusal of the reply filed on behalf of the respondents indicates that a life certificate was sought from the petitioner in April, 2022, in pursuance of which she submitted her Aadhar card. The Aadhar card named Karnail Singh as her husband. The petitioner did not disclose the factum of her remarriage to the respondent-Department. Further, Rule 6.17(4) of the PCSR clearly states that a widow shall only receive family pension till her remarriage.



(ii) **CWP-30264-2018**

6. Learned counsel submitted that the husband of the petitioner was working as ASSA with the then HSEB, now respondent-Nigam. Unfortunately, on 10.11.1991, he died in harness. The petitioner was granted family pension and, appointment as Peon on compassionate grounds after his death. Subsequently, in the year 1992, the petitioner was wedded to Satywan Singh, real brother of the deceased, by way of *karewa* marriage. Thereafter, the family pension was stopped in her name and initiated in the name of her daughter with the deceased-Sarita Rani w.e.f. 05.01.1995. However, Sarita Rani got married in October, 2008 and the family pension was transferred to their son-Manjit Singh w.e.f. 01.11.2008. The family pension of the son of the petitioner was stopped in January, 2017 when he attained the age of 25 years. Learned counsel relies upon the judgment of this Court in ***Shanti Devi vs. State of Haryana and others CWP No.17970-2008 (Annexure P-4)*** and ***Angrejo Devi vs. Haryana Vidyut Parsaran Nigam Limited and others CWP No.17440-2011 (Annexure P-5)*** wherein, it was opined that family pension of a widow cannot be stopped on account of *karewa* marriage. The respondent-Nigam has rejected the genuine claim of the petitioner vide impugned order dated 18.05.2017 (Annexure P-6) by passing a cryptic and non-speaking order. Lastly, the act and conduct of the respondent-Nigam in unjustly withholding family pension, being property in terms of Article 300-A of the Constitution of India, also entitles the petitioner to interest upon the same.

7. *Per contra*, learned counsel for the respondent-Nigam submitted that the petitioner stands remarried and thus is not entitled to family pension in



terms of the provisions of the applicable Family Pension Scheme, 1964. The daughter and son of the petitioner from her first marriage were granted family pension till her marriage and him attaining the age of 25 years, respectively.

(iii) **CWP-5330-2022**

8. Learned counsel for the petitioner submitted that the husband of the petitioner worked as an Assistant Lineman with the then HSEB, now respondent-Nigam. Unfortunately, he passed away on 09.12.1993 in harness. Subsequent to the death of the deceased employee, the petitioner married Naresh, his younger brother by way of *karewa* marriage. The petitioner was also granted compassionate appointment as Mali under the ex-gratia scheme and is currently working as LDC. She was also granted all terminal benefits upon the death of the deceased employee, except the benefit of Family Pension. Aggrieved by the same, the petitioner moved this Court by filing ***CWP No.6837 of 2021*** which was allowed on 22.09.2022 with a direction to the respondents to finalize the Family Pension of the petitioner and pay arrears of the same at 9% p.a. In compliance with the order of this Court, Family Pension was sanctioned in the name of her daughter-Priyanka and not the petitioner as she had remarried. No issue was raised against the *karewa* marriage of the petitioner in ***CWP No.6837 of 2021***. However, since Priyanka was staying with the petitioner, she did not raise any objections. Since Priyanka got married in September, 2020, the Family Pension was stopped. The petitioner submitted multiple representations seeking restoration of Family Pension but to no avail. An advance notice of writ petition was also served on the respondent-Nigam but the petitioner was orally informed that since she had not objected when the



Family Pension was sanctioned in the name of her daughter, the same cannot be restored to her now. Grant of Family Pension to her daughter cannot be used as an estoppel against the petitioner as the amount was being used to take care of the family of the deceased employee.

9. On the other hand, learned counsel for the respondents argued that *karewa* marriage is a valid marriage under Section 7 of the Hindu Marriage Act, 1955. Hence, the petitioner cannot claim Family Pension upon her remarriage under Sub Rule 10(B) (i)(a) of Rule 8 of the Haryana Civil Services (Pensions) Rules, 2016. The Family Pension was issued in the name of Priyanka, the daughter of the petitioner though the same was to be paid through the petitioner, being her guardian, till she attains 18 years of age. However, since Priyanka was selected for a Government Job, the Family Pension was stopped w.e.f. September, 2020. Since the petitioner is also gainfully employed as LDC with the respondent-Nigam, neither she nor Priyanka are dependent on the Family Pension.

OBSERVATION AND ANALYSIS

10. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioners had solemnised *karewa* marriages upon the death of their respective husbands. Citing the said remarriage, their Family Pension was discontinued by their respective respondent-Employers.

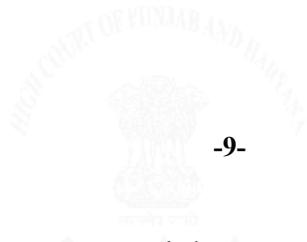
11. Oftentimes, retiral benefits are the only source of income for many families, especially when the primary breadwinner has passed away. The kin of the retired/deceased employees not only rely on the same for fiscal security but



also for their very survival. It was also observed in ***D.K. Nakara and others vs. Union of India (1983) 1 SCC 305*** that pension and retiral benefits are not bounty by nature but in fact, are akin to wages, relied upon the pensioner and his family for assistance. The entitlement to a dignified and secured life as illustrated in ***D.K. Nakara (supra)*** must be applied with greater force to family pension, as the same is only granted when an earning member of the family passes away, leaving his dependents at risk for destitution.

12. Furthermore, the right to life enshrined in Article 21 of the Constitution of India, is not limited to mere animal -like existence but includes the right to live a dignified meaningful life. The Hon'ble Supreme Court in ***Francis Coralie Mullin vs. Administrator, Union Territory of Delhi (1981) 1 SCC 608*** has opined that any act offending human dignity constitutes a violation of Article 21 of the Constitution of India. It was further clarified that bare necessities such as “*adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings*” as well as any other activities constituting a “*bare minimum expression of human self,*” subject to the degree of economic development of the State, form a part and parcel of right to life under Article 21 of the Constitution of India. As such, family pension too is a social security measure flowing from the vision for a Welfare State as highlighted by Articles 14, 15(3), 39(a), and 41 of the Constitution of India.

13. Before delving further into the controversy at hand, it must be understood that *karewa* marriages i.e. remarriage of a widow to the brother of



her deceased husband, serve a social purpose. This customary practice, which also stands recognised in terms of Section 7 of the Hindu Marriage Act, 1955, aid in providing patronage to minor children, preserving dignity of widows and ensuring continuity of care for aged parents. Upon such remarriage, the paternity of the children is also established from within the blood relatives, who are more likely to raise them with genuine care and affection. Moreover, the ties between the widow, her children and the matrimonial family are not severed by the death of her first husband. Since the matrimonial family is called upon to shoulder the moral responsibility of their well-being, this custom also assists in the social and financial rehabilitation of widows and their children.

14. The Service Rules often proscribe a remarried widow from claiming family pension but the legislative intent behind the same is not punitive but redistributive. The assumption at work therein is that her new family now bears the responsibility for her financial and social well-being, and thus, she is no longer dependent on the estate of her deceased first husband. With that in mind, the benefits are redirected to the children and parents of the deceased employee as financial support must follow actual vulnerability.

15. In that context, it appears that the petitioner(s) have continued to live a communal life with their respective matrimonial families i.e. family of the deceased, even after the solemnisation of their respective *karewa* marriages. Thus, it cannot be assumed that their connection with the family of the deceased has been severed. Rather, upon such remarriage, there has been no fragmentation of the financial responsibilities as the children remain under the same guardianship structure and the aged parents reside in the same household.



Therefore, a strict and mechanical disqualification would amount to overlooking social reality to make good an administrative technicality, thereby defeating the beneficial nature of the provisions for family pension.

16. Thus, the customary practice of *karewa* marriage cannot be interpreted as remarriage in the manner envisaged by the Service Rules, rather, apparently, it has a harmonising effect thereon. The intention behind disentitling the widow from Family Pension upon remarriage was to ensure that the same is not utilised for the sake of her new matrimonial family. However, upon *karewa* marriage, the widow stays on as a member of the same family, thus, they ought not to be punished merely for the act of remarriage when their subsequent marriage has not resulted in any unjust enrichment at the cost of other dependents of their respective deceased first husbands. The State, being a model employer, must stay alive to the social realities and endeavour to balance equity with the statutory mandate, particularly when it is clear that a custom such as *karewa* marriage is in harmony with the settled law. In fact, the relevance of *karewa* marriages has also been recognised by the State of Punjab by amending Rule 8.35 of the Punjab Civil Service Rules Volume II vide notification dated 28.05.1975, that reads as follows:

“3. In the said rules in rule 8.35 in sub-rule (2), clause (i) shall be renumbered as sub-clause (a), of that clause and after sub-clause (a) as so renumbered, the following sub-clause shall be inserted, namely:-

“Notwithstanding anything contained in sub clause (A) a widow who remarries her deceased husband’s brother and continues to live a communal life or contributed to the support of other dependents of her deceased’s husband shall not be disqualified for the grant of extra ordinary pension, otherwise admissible to her under these rules.”



17. Furthermore, considering the benevolent nature and purpose of the very provision of family pension, efforts must be made towards harmonious construction than otherwise. Moreover, the notification dated 17.04.2009 issued by the Government of Haryana allows for special considerations to be made in order to prevent undue hardship in particular cases. The relevant provisions are reproduced below:

“Residuary provisions

21. In the event of any general or special circumstances which is not covered under these rules or about which certain inconsistencies are noticed, the matter shall be referred to the Government and the Government will prescribe the conditions to be followed under such circumstances. Such conditions as prescribed by the Government under this paragraph shall be deemed to be part of these rules. Further, if the Government is satisfied that there is a requirement to prescribe certain additional conditions, the Government shall prescribe such conditions and such additional conditions as prescribed by the Government under this para, shall be deemed to be the part of these rules.

Power to relax

22. Where the Government is satisfied that the operation of all or any of the provisions of these rules causes undue hardship in any particular case, it may, by order, dispense with or relax the requirements of these rules to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner.”

18. Moreover, a Two Judge bench of the Hon’ble Supreme Court in ***Deepika Singh vs. Central Administrative Tribunal, 2022 INSC 834***, has also insisted upon adopting a liberal approach while interpreting beneficial policies. Speaking through Dr. Justice. Dhananjaya Y. Chandrachud, observed as follows:

“15. The provisions of Rule 43(1) must be imbued with a purposive construction. In KH Nazar v. Mathew K Jacob, (2020) 14 SCC 126 this Court noted that beneficial legislation must be given a liberal approach:



"11. Provisions of a beneficial legislation have to be construed with a purpose-oriented approach. The Act should receive a liberal construction to promote its objects. Also, literal construction of the provisions of a beneficial legislation has to be avoided. It is the court's duty to discern the intention of the legislature in making the law. Once such an intention is ascertained, the statute should receive a purposeful or functional interpretation.

12. In the words of O. Chinnappa Reddy, J., the principles of statutory construction of beneficial legislation are as follows: (Workmen case, SCC p. 76, para 4)

"4. The principles of statutory construction are well settled. Words occurring in statutes of liberal import such as "social welfare legislation and human rights" legislation are not to be put in Procrustean beds or shrunk to Lilliputian dimensions. In construing these legislation's the imposture of literal construction must be avoided and the prodigality of its misapplication must be recognised and reduced. **Judges ought to be more concerned with the "colour", the "content" and the "context" of such statutes** (we have borrowed the words from Lord Wilberforce's opinion in ***Prenn v. Simmonds [Prenn v. Simmonds, (1971) 1 WLR 1381 : (1971) 3 All ER 237 (HL)]***). In the same opinion Lord Wilberforce pointed out that **law is not to be left behind in some island of literal interpretation but is to enquire beyond the language, un-isolated from the matrix of facts in which they are set; the law is not to be interpreted purely on internal linguistic considerations.** In one of the cases cited before us, that is, ***Surendra Kumar Verma v. Central Govt. Industrial Tribunal-cum-Labour Court***, we had occasion to say : (Surendra Kumar Verma case, SCC p. 447, para 6)

"6. .. Semantic luxuries are misplaced in the interpretation of "bread and butter" statutes. Welfare statutes must, of necessity, receive a broad interpretation. Where legislation is designed to give relief against certain kinds of mischief, the court is not to make inroads by making etymological excursions.?"



13. While interpreting a statute, the problem or mischief that the statute was designed to remedy should first be identified and then a construction that suppresses the problem and advances the remedy should be adopted.”

(emphasis added)

19. It must also be emphasised that the right to family pension is not vested in a widow alone but typically flows to all immediate dependents of a deceased employee. As such, the dependents, when possible, must be allowed to be treated as a unit as their lives are not untethered from each other. On that note, disqualifying the petitioner from availing family pension would also jeopardise the rights of any surviving dependents of her deceased first husband.

CONCLUSION

20. In view of the discussion above, all three of the above mentioned writ petitions are allowed in the following manner:

(i) The concerned authority/respondent(s) are directed to reinstate the family pension of the respective petitioner(s) as *karewa* marriage cannot be equated to remarriage for the limited purpose of grant of family pension. As such, the petitioners are not disqualified by the applicable Rules.

(ii) The concerned authority shall recalculate the amount due to the petitioner(s) and disburse the arrears within 04 months. If the needful is not done within the period of 04 months, the petitioner(s) shall also be entitled to interest on the arrears at the rate of 7.5% p.a. till its actual realization.

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21. Pending miscellaneous application(s), if any, shall also stand disposed of.
22. A photo copy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

07.03.2026

Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No