



CRIMINAL

The Sole Surviving Widow's Right to Full Family Pension: A Clarification by the Punjab and Haryana High Court

A Clarification by the Punjab and Haryana High Court *Manjit Kaur v. State of Punjab & Others* | CWP-21124-2023 | Decided: 22.05.2026 Introduction In a significant ruling delivered on 22 May 2026, the High Court of Punjab and Haryana at Chandigarh, before Hon'ble Mr. Justice Namit Kumar, conclusively held that a sole surviving widow of [...]

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Introduction

In a significant ruling delivered on 22 May 2026, the High Court of Punjab and Haryana at Chandigarh, before Hon'ble Mr. Justice Namit Kumar, conclusively held that a sole surviving widow of a deceased government employee is entitled to 100% family pension, irrespective of her status as the second wife of the retiree. The judgment in *Manjit Kaur v. State of Punjab and Others* (CWP-21124-2023) not only resolves a longstanding interpretive controversy surrounding Notes 1 and 2 appended to Rule 6.17(4) of the Punjab Civil Services Rules, Volume II, but also reaffirms the fundamental principle that the State cannot misappropriate any portion of the family pension due to the legal heirs of a deceased employee.

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Background and Facts

The petitioner, Smt. Manjit Kaur, is the widow of Sh. Parshotam Lal Puri, who retired as District Treasury Officer, Gurdaspur, on 31 October 1996. Sh. Parshotam Lal Puri's first wife, Smt. Usha Rani, had predeceased him on 6 November 1980. Following the death of his first wife, the retiree lawfully solemnised marriage with the petitioner on 30 May 1992, duly registered before the Registrar of Marriage, Amritsar. Two children were born of this wedlock. Sh. Parshotam Lal Puri drew pension from the Punjab Government from 1 November 1996 until his death on 14 November 2011.

A Legal Heir Certificate issued by the Deputy Commissioner, Amritsar, on 22 February 2012 confirmed that the petitioner was the sole eligible claimant of family pension, no other legal heir qualifying under the applicable rules. Despite this unambiguous certification, the Accountant General (A&E), Punjab, Chandigarh, issued a Pension Payment Order on 3 August 2015 restricting the petitioner's entitlement to 50% of the total family pension of Rs. 3,396/-, on the ground that she was the 'second wife of the retiree.' The petitioner's repeated representations over the ensuing years yielded no relief, and the Accountant General, vide a further communication dated 25 May 2022, reiterated that the petitioner was entitled to only 50% of the family pension by invoking Notes 1 and 2 below Rule 6.17(4) of the Punjab Civil Services Rules, Volume II, read with a Finance Department clarification dated 24 October 2006. Left with no administrative recourse, the petitioner approached the High Court by way of a writ petition under Articles 226 and 227 of the Constitution of India.

Legal Issues in Contention

The central question before the Court was whether Notes 1 and 2 appended to Rule 6.17(4) of the Punjab Civil Services Rules, Volume II, could legitimately be invoked to restrict the petitioner's family pension to 50%, in circumstances where the retiree was, at the time of his death, survived by only one widow and no eligible minor child from his first wife remained. The broader legal issue concerned the proper scope and interpretation of pension apportionment rules in cases where a co-widow and eligible dependants from an earlier marriage are entirely absent.

Submissions of the Parties

Senior Advocate Mr. R.K. Arora, appearing for the petitioner, contended with considerable force that Notes 1 and 2 were wholly inapplicable to the facts of this case. Note 1, he submitted, is expressly triggered only where a government employee is survived by more than one widow simultaneously, a precondition entirely absent in the present case given the death of the first wife over three decades prior to the employee's demise. He further argued that since the Legal Heir Certificate conclusively established the absence of any eligible minor child from the first wife, neither Note 1 nor Note 2 could be pressed into service to reduce the

pension payable to the petitioner. The petitioner, he emphasised, was the sole surviving widow and sole eligible claimant, and the respondents' position would result in the arbitrary forfeiture of public funds destined for the family of the deceased.

The State counsel, along with the counsel for Respondent No. 4, maintained that the Notes appended to Rule 6.17(4) disentitled the petitioner from full family pension. They argued that since no eligible legal heir was available from the first wife, the 'share' notionally attributable to the first wife ceased by operation of Note 1, leaving the petitioner entitled to only half the pension. The respondents urged that the impugned memo dated 25 May 2022 was lawful and without infirmity.

Precedents Relied Upon

The petitioner placed substantial reliance on the Division Bench judgment of the Punjab and Haryana High Court in *State of Punjab and Others v. Harpal Kaur* (LPA No. 1434 of 2014, decided 1 September 2014). In that case, the Court held that the State cannot retain any portion of the family pension; 100% of the pension must always be distributed among eligible legal heirs, with the apportionment being a matter inter se among the heirs and not a function of the State. The Division Bench further relied upon *Ram Dulari v. State of Haryana and Others* (CWP No. 3359 of 2008, decided 3 July 2009), wherein it was held that a surviving widow, in the absence of any eligible heir either from herself or from a pre-deceased first wife, is entitled to receive the full family pension. Both decisions consistently held that the pension apportionment rules apply only where multiple eligible claimants exist simultaneously, and that the State is not entitled to withhold or appropriate any residual share of the pension.

Court's Analysis and Reasoning

Justice Namit Kumar conducted a meticulous examination of the text of Notes 1 and 2 and their applicability to the established facts. The Court observed that Note 1 operates only where the government employee is survived by more than one widow, a condition conspicuously absent in the present case. Since the first wife had died in 1980, predating even the petitioner's marriage in 1992, the employee was survived by a single widow alone, and Note 1 was accordingly without application.

As regards Note 2, the Court found that its operation is premised on the existence of an eligible minor child from a pre-deceased wife, a fact similarly absent in the present case. The Legal Heir Certificate issued by the Deputy Commissioner conclusively corroborated the non-existence of any such minor child. The Court further reasoned that the rule of apportionment is designed to equitably distribute pension among multiple simultaneous claimants and cannot logically apply where only one eligible claimant exists. To accept the respondents' interpretation, the Court observed, would produce the manifestly unjust and absurd consequence of the State misappropriating a portion of the family pension that is rightfully due to the deceased employee's family, in clear contradiction of the spirit and purpose of the Family Pension Scheme.

Decision and Significance

The High Court allowed the writ petition and set aside the impugned memo dated 25 May 2022. It declared the petitioner entitled to 100% family pension with effect from the date of her husband's death on 14 November 2011, directing payment of all arrears along with interest at 6% per annum within three months of receipt of the certified copy of the order.

This judgment is of enduring significance for pension law in the State of Punjab and beyond. It firmly establishes that pension apportionment rules cannot be misapplied to penalise a sole surviving widow on account of her status as a second wife, where the first wife has long predeceased the employee.

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