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Gujarat High Court on Family Pension Claims: Rights of a Second Wife and Scope of Administrative Reconsideration

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PUBLISHED 11 March 2026

Disputes relating to compassionate appointments and pensionary benefits frequently arise when multiple family members claim entitlement after the death of an employee. The present judgment examines how family settlements and prior payments impact such claims, while also reiterating the scope of judicial review under writ jurisdiction.

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Introduction

Family pension is a crucial social security mechanism designed to support the dependents of a deceased government or public sector employee. In India, disputes regarding entitlement to family pension often arise when authorities question the legitimacy of a claimant's marital relationship with the deceased employee. Such disputes frequently involve issues relating to documentary proof of marriage, entries in service records, or the absence of formal registration of marriage.

In a significant decision, the Gujarat High Court addressed these concerns and reaffirmed that technical or procedural deficiencies cannot override substantive evidence of a lawful marital relationship. In *Farzanabanu Mohammadhanif Shaikh v. Ahmedabad Municipal Corporation & Ors.*, the Court held that denial of family pension merely because the marriage was not reflected in the service records or supported by photographs was “highly improper and unjust.” The Court ultimately directed the Ahmedabad Municipal Corporation to treat the petitioner as the legally wedded wife of the deceased employee and grant her family pension benefits.

The judgment highlights the importance of recognizing personal law principles, particularly under Muslim law, and emphasizes that administrative authorities cannot impose additional evidentiary requirements that are not mandated by law.

Background of the Case

The case arose from a petition filed by Farzanabanu Mohammadhanif Shaikh, who sought family pension following the death of her husband, a permanent employee of the Ahmedabad Municipal Corporation. The deceased employee passed away on 16 January 2011 while he was on duty, after which the petitioner claimed family pension as his surviving spouse. According to the petitioner, she had married the deceased employee on 5 December 2007, after the death of his first wife. The marriage was solemnized through a Nikah ceremony in accordance with Muslim personal law. To substantiate her claim, the petitioner produced the Nikahnama (marriage certificate under Muslim law) along with an affidavit from the Kazi who had officiated the marriage.

Despite these documents, the Corporation repeatedly rejected her request for family pension. The authorities cited several reasons for denial, including:

- The Nikahnama was not formally registered.
- There were no photographs of the couple.
- The petitioner's name was not entered in the deceased employee's service records.
- The deceased employee had not formally informed the Corporation about the marriage.

Earlier, the High Court had directed the Corporation to reconsider the petitioner's claim. However, the Corporation once again rejected the application on similar grounds, prompting the petitioner to approach the Court through a writ petition.

Earlier Proceedings Before the High Court

The dispute had earlier reached the High Court when the petitioner filed Special Civil Application No. 16014 of 2016, challenging the refusal of the Corporation to grant her family pension. By an order dated 8 April 2019, the High Court directed the Corporation to reconsider the petitioner's claim after examining the legality of the Nikahnama and the relevant documents produced by her. However, even after reconsideration, the Corporation again rejected her claim by orders passed in 2019 and subsequently in May 2024, reiterating that the petitioner had failed to prove the validity of the marriage. Aggrieved by the continued refusal, the petitioner once again approached the High Court.

Arguments Presented Before the Court

Petitioner's Submissions

The petitioner represented by Advocate Aakash D. Modi, argued that the Corporation had failed to properly evaluate the overwhelming documentary evidence establishing the marriage.

The petitioner relied on the following key documents:

1. Nikahnama evidencing the marriage.
2. Affidavit of the Kazi who solemnized the Nikah ceremony.
3. A written admission by the deceased employee during maintenance proceedings under Section 125 of the Code of Criminal Procedure, where he acknowledged that the marriage had taken place.

It was contended that these documents clearly established the factum of marriage and that the Corporation's insistence on registration or photographic proof had no legal basis.

Corporation's Submissions – The Ahmedabad Municipal Corporation, represented by Advocate H.S. Munshaw, argued that the petitioner had failed to conclusively prove that she was the legally wedded wife of the deceased employee.

The Corporation emphasized the following points:

- The Nikahnama was not registered.
- The petitioner's name did not appear in the employee's service records.
- The deceased employee had not officially informed the Corporation about the alleged marriage.

On these grounds, the Corporation maintained that the petitioner was not entitled to family pension.

Submissions by the Deceased Employee's Children

Advocate Sikander Saiyed, representing the children of the deceased employee from his first wife, also opposed the petition.

Their arguments included:

- There was insufficient evidence to prove the alleged marriage.
- The petitioner had allegedly suppressed material facts.
- It was further contended that the petitioner had received **Rs. 2 lakhs pursuant to a family arrangement concerning the distribution of certain retiral dues of the deceased employee**, and therefore she was not entitled to claim additional benefits such as family pension.

Observations of the Court

The matter was heard by Justice Maulik J. Shelat, who critically examined the reasons given by the Corporation for denying family pension. The Court strongly criticized the Corporation's approach and observed that its reasoning was legally unsustainable.

Justice Shelat remarked: "It is unfathomable that in absence of photograph of couple as not produced before the Corporation, it can reach to conclusion that marriage was never solemnized."

The Court further stated that the Corporation's assumption that the petitioner was not a legally wedded wife merely because her name did not appear in service records was "highly improper and unjust."

Registration of Nikah Not Mandatory Under Muslim Law

A key issue before the Court was whether a Nikahnama must be registered for the marriage to be legally recognized. The Court clarified that Muslim personal law does not mandate compulsory registration of a Nikah. Therefore, the Corporation's insistence on registration was misplaced.

The Court held that in the absence of any legal requirement for mandatory registration, it was inappropriate for the Corporation to reject the claim on this basis. This observation reinforces the principle that administrative authorities must respect the requirements of personal law and cannot impose additional formalities that are not prescribed by law.

Importance of Admission by the Deceased Employee

One of the most significant pieces of evidence considered by the Court was the deceased employee's own admission of the marriage in maintenance proceedings under Section 125 CrPC.

The Court held that such an admission carries substantial evidentiary value. When the deceased himself acknowledged the marriage in judicial proceedings, there was little justification for the Corporation to doubt the relationship. The Court observed that once there was a clear admission of the factum of marriage, the Corporation should not have demanded further evidence to establish the petitioner's entitlement to family pension.

Family Settlement Not Relevant to Pension Rights

The Court also addressed the argument that the petitioner had received ₹2 lakh under a family settlement and therefore should not claim pension benefits. Justice Shelat rejected this argument, stating that the settlement between the children of the deceased employee had no bearing on the petitioner's statutory right to family pension. Family pension is a legal entitlement arising from the employment of the deceased employee, and such rights cannot be extinguished merely through private arrangements unless specifically provided by law.

Final Directions of the Court

After examining the evidence and submissions, the Court concluded that the petitioner had successfully established that she was the legally wedded wife of the deceased employee.

Accordingly, the Court:

- Quashed the orders passed by the Ahmedabad Municipal Corporation rejecting the petitioner's claim.
- Directed the Corporation to treat the petitioner as the legally wedded wife of the deceased employee.
- Ordered the Corporation to prepare the petitioner's pension papers.
- Directed the authorities to grant family pension benefits within the stipulated time.

The Court further directed that the pension benefits should be granted on or before May 15, failing which interest of 6% interest per annum from 16 May 2026 would be payable for any delay.

Significance of the Judgment

The judgment holds significant implications for pension claims and the recognition of marriages under personal law. Firstly, it reiterates that minor technical shortcomings, such as the absence of photographs or the non-inclusion of a spouse's name in service records, cannot be used to deny the validity of an otherwise lawful marriage. Secondly, the ruling highlights that administrative authorities must take into account the principles of personal law while assessing such claims, particularly in cases involving Muslim marriages where formal registration is not a mandatory requirement. Thirdly, the Court emphasized the evidentiary importance of admissions made during judicial proceedings, noting that such admissions can be central to establishing the existence of a marital relationship. Lastly, the decision reinforces the protection of widows and dependents by ensuring that rigid bureaucratic procedures do not undermine legitimate claims to social security benefits such as family pension.

Conclusion

The ruling of the Gujarat High Court in *Farzanabanu Mohammadhanif Shaikh v. Ahmedabad Municipal Corporation & Ors.* represents a significant reaffirmation of fairness and reasonableness in administrative decision-making. The Court strongly disapproved of the Corporation's insistence on non-essential forms of proof such as photographs of the couple or entries in service records and clarified that legitimate claims cannot be rejected on arbitrary, technical, or overly rigid grounds. In doing so, the Court highlighted that administrative authorities must evaluate claims in a pragmatic and legally sound manner, particularly when determining issues relating to marital status and entitlement to pensionary benefits.

Importantly, the judgment also highlights the obligation of public authorities to give due weight to credible documentary evidence and admissions made in judicial proceedings while assessing such claims. By rejecting a narrow and procedural approach, the Court reinforced the broader principle that administrative discretion must be exercised in a fair, rational, and justice-oriented manner. At a broader level, the decision serves to protect the dignity and rights of widows who depend on family pension as a vital source of financial security. The ruling affirms that substantive justice must prevail over rigid procedural formalities, particularly in matters involving social welfare benefits and the protection of family rights.

For more details, write to us at: contact@indialaw.in

Reference

Farzanabanu Mohammadhanif Shaikh wd/o Mohammadhanif Abdulsamad Shaikh v. Ahmedabad Municipal Corporation & Ors., R/Special Civil Application No. 21884 of 2019, decided on 20 February 2026 (Gujarat High Court).

Related Practice Areas

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