

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CWP No.6386 of 2022****Decided on: 18.05.2026**

Shashi Bala

... Petitioner

Versus

State of Himachal Pradesh and others

... Respondents

Coram**Hon'ble Mr. Justice Ajay Mohan Goel, Judge.****Whether approved for reporting?¹**

For the petitioners: Mr. Kul Bhushan Khajuria, Advocate.

For the respondents: Mr. Pushpinder Jaswal, Additional Advocate
General, for respondents No.1 and 2.
Mr. Tara Chand Chauhan, Advocate, for
respondent No.3.**Ajay Mohan Goel, Judge** (Oral)

By way of this petition, the petitioners have, *inter alia*,
prayed for the following relief:-

“That writ in the nature of mandamus may kindly be issued and the respondent No. 3 may be directed to release the benefit of family pension to the petitioner on account of services rendered by the husband of the petitioner with all consequential benefits with interest.”

2. The case of the petitioner is that her husband Shri Anil Kumar died in harness on 02.10.2001. After the death of husband of the petitioner, though family pension was released in her favour, but subsequently it stood stopped on the ground that she has remarried. The petitioner was given the benefit of family pension only for a period of three years.

3. Learned Counsel for the petitioner has referred to the

¹ Whether reporters of the local papers may be allowed to see the judgment?



documents appended with the petition and submitted that the petitioner after the demise of her first husband has not remarried and even the Secretary, Gram Panchayat Khador, has issued a certificate to this effect, dated 01.02.2021 (Annexure P-3), that the petitioner has not remarried after the demise of her husband.

4. On the other hand, learned Additional Advocate General submitted on the strength of the reply that after the demise of her husband, the petitioner solemnized marriage and thereafter, she remained quite and has filed the petition after about 13 years as from the date when the alleged cause of action accrued.

5. In the backdrop of the controversy involved in the petition, when this case was listed on 08.05.2026, the following order was passed:

“Learned Counsel for the petitioner submits that in the present case, family pension is being arbitrarily denied to the petitioner on the pretext that she has solemnized second marriage, whereas this is factually incorrect. Learned Counsel further submits that alongwith the petition, a certificate issued to this effect by the Secretary Gram Panchayat concerned has been appended.

Learned Additional Advocate General submits that in this backdrop, he may be granted some time to have instructions.

List on 18.05.2026 to enable learned Additional Advocate General to have instructions.”

6. Today, learned Additional Advocate General, on the



basis of instructions, informed the Court that there is no record available regarding remarriage of the petitioner. The communication which has been addressed to the learned Advocate General by the Executive Engineer, Palampur Division, dated 16.05.2026, is taken on record and it is also reproduced hereinbelow:-

“In this connection, it is submitted that the reply of the subject titled court case has been filed during 12/2022. There is no any record available regarding re-marriage of Smt. Shashi Bala W/o Late Sh. Anil Kumar, Mate S/o Sh. Paras Ram. The complaint is directly submitted to Accountant General Himachal Pradesh, Shimla and AG Office has stopped to pension of Smt. Shashi Bala. Submitted for your kind information please.”

7. In the light of the fact that the family pension being released to the petitioner, was stopped on the ground that she has solemnized another marriage and in the light of the fact that the respondents have no material to substantiate this allegation, whereas the petitioner has placed on record the certificate issued by the concerned Panchayat that she has not solemnized marriage after the demise of her husband, this Court is of the considered view that denial of the family pension to the petitioner is totally unsustainable in the eyes of law.

8. As it is the allegation of the Department that the petitioner had solemnized another marriage after the demise of her husband, the onus was upon the Department to prove the same. However, nothing has been produced on record by the respondent-



Department to substantiate this allegation and now the instructions imparted by Execution Engineer, Palampur Division, HPPWD, Palampur, make it crystal clear that there is no record available with the Department to the effect that the petitioner had entered into any remarriage.

9. In light of the above facts, as obviously the denial of family pension to the petitioner on the alleged ground of remarriage is not sustainable in the eyes of law because the Department has not been able to prove that the petitioner entered into any remarriage, this petition is allowed. The act of the respondents of stopping the family pension to which the petitioner was entitled to after the demise of her husband, is held to be bad in law and the respondents are directed to forthwith release the family pension to the petitioner as is payable to her, alongwith arrears as from the date when the family pension was stopped. Regular family pension is paid to the petitioner from the month of June, 2026. In case the arrears to which the petitioner is entitled to are made good within a period of three months from today, then no interest shall be payable upon the delayed payment, but in case the said amount is not made good within three months, then the same shall entail interest @ 6% from the date of filing of the petition till the date of regularization.

10. At this stage, the Court stands informed that after the stopping of the family pension in favour of the petitioner, her minor children received the same and now the same has been stopped after



they have attained the age of majority. If that is the case, obviously, on the strength of this order the petitioner shall not be entitled to the family pension as from the date the same was paid by the Department to the minor children of the petitioner till they attain the age of majority. The arrears will be payable to the petitioner only after the date when family pension was stopped to the children having attained the age of majority.

11. The petition stands disposed of. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

May 18, 2026
(Rishi)