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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Judgment reserved on: 16.01.2026***
Judgment pronounced on:27.01.2026
Judgment uploaded on: 27.01.2026

\+ W.P.(C) NO. 11263/2023 & CM APPL. 43849/2023

SMT. LAKSHMI DEVI AND ANR. .....Petitioners

Through: Mr. Deepak Kohli and Mr. Rishi Vohra, Advs.

versus

UNION OF INDIA AND ORS. .....Respondents

Through: Mr. Nirvikar Verma, SPC with Mr. Vinod Sawant, Law Officer; Insp. Athurv and Mr. Ramniwas Yadav, CRPF.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.

1. The present Writ Petition under Article 226 of the Constitution of India has been filed by the Petitioners, who are the parents of late CT/Bug Bhim Singh, an employee of the 90 Battalion, Central Reserve Police Force [hereinafter referred to as 'CRPF'], assailing the correctness of Office Order dated 10.08.2017 passed by the Respondents, whereby the claim of Petitioners for grant of family pension to them, was declined. The Petition, in essence, questions the legality of the Respondents' action in continuing to disburse family pension in favour of Respondent No.6, the widow of the deceased

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employee, notwithstanding her remarriage.

2. In the course of assailing the rejection of their claim, the Petitioners have also laid challenge to the validity of Rule 54 of the Central Civil Services (Pension) Rules, 1972 [hereinafter referred to as 'Rules'] and Clause 8.6 of the Office Memorandum dated 02.09.2008, insofar as the said provisions permit a childless widow of a deceased government servant to continue to receive family pension even after remarriage, subject to the conditions stipulated therein.

3. The issues which arise for consideration in the present Petition are as follows:

i. Whether the parents of a deceased government employee are entitled to family pension where a childless widow after her remarriage exists and continues to be eligible under Rule 54 of the CCS (Pension) Rules, 1972.

ii. Whether Rule 54 and Clause 8.6 of the Office Memorandum dated 02.09.2008, is unconstitutional or arbitrary.

FACTUAL MATRIX

4. In order to appreciate the controversy involved in the present Petition, relevant facts in brief are required to be noticed.

5. Late CT/Bug Bhim Singh was enlisted as a Constable (Bugler) in the CRPF on 05.04.2011 and, after completion of his basic training, was posted to the 90 Battalion, CRPF. At the relevant time, he was deployed at an outpost of the Battalion located at Arwani SOG Camp

near Bijbehara Railway Station, District Anantnag, Jammu & Kashmir.

6. On 05.09.2014, the area where the said outpost was situated witnessed unprecedented and continuous heavy rainfall, resulting in severe flooding. The outpost was submerged under approximately 12 to 15 feet of water, and several personnel of the Force were trapped. During the rescue operations undertaken in the course of official duty to save fellow personnel, late CT/Bug Bhim Singh was swept away by the flood waters and drowned. His mortal remains were recovered on 09.09.2014.

7. A Court of Inquiry was conducted by the competent authority, which concluded that the death of late CT/Bug Bhim Singh had occurred while he was performing *bona fide* government duty. Consequent thereto, the Respondents treated the death as one attributable to official duty and extended the admissible service benefits in accordance with the applicable rules.

8. At the time of his death, late CT/Bug Bhim Singh had left behind his wife, Respondent No.6 herein, namely Smt. Anita Devi, as well as his parents, the Petitioners herein. As per the nomination forms and service records submitted by the deceased employee during his lifetime, Respondent No.6, his wife, was nominated as the beneficiary for the purpose of family pension and other terminal benefits.

9. In accordance with Rule 54 of the Rules, family pension and other admissible benefits were sanctioned in favour of Respondent

No.6, being the widow of the deceased employee. There is no dispute that at the time of the death of late CT/Bug Bhim Singh, Respondent No.6 was a childless widow and had no independent source of income.

10. Subsequently, the Petitioners came to assert that Respondent No.6 had remarried. In this regard, a registered communication dated 22.09.2016 was addressed by Petitioners to the authorities of the CRPF, informing them that Respondent No.6 had remarried one Shri Daleep Singh and was residing with him. Along with the said communication, a request was made for family pension to be accorded to the Petitioners while claiming to be wholly dependent on late CT/Bug Bhim Singh for their livelihood.

11. The factum of remarriage of Respondent No.6 was thereafter verified by the Superintendent of Police, District Sikar, Rajasthan, who, by communication dated 11.11.2016, confirmed that Respondent No.6 had indeed remarried Shri Daleep Singh. This verification forms part of the record.

12. The Petitioners also approached this Court by filing W.P.(C) No. 4942/2017 seeking grant of family pension in their favour. The said writ petition was disposed of by this Court by order dated 31.05.2017, whereby the petition was treated as a representation and the Respondents were directed to examine the claim of the Petitioners in the light of the applicable rules, the Government of India decisions, and the provision for relaxation under Rule 88 of the Rules, and to pass a speaking and reasoned order.

13. In compliance with the aforesaid directions, the competent authority examined the claim of the Petitioners and passed a detailed Office Order dated 10.08.2017. By the said order, it was concluded that Respondent No.6 was entitled to continue to draw Extra Ordinary Family Pension in terms of Rule 54 of the Rules, read with the relevant Government of India decisions and Office Memorandum dated 02.09.2008, as she was treated as a childless widow at the time of death of the employee and was found to have no independent source of income.

14. Aggrieved by the said decision, the Petitioners thereafter instituted W.P.(C) No. 10071/2018 before this Court. The said writ petition was dismissed as withdrawn by order dated 12.12.2019, with liberty granted to the Petitioners to file a fresh petition incorporating a challenge to the Office Order dated 10.08.2017.

15. The Petitioners again approached this Court by filing W.P.(C) No. 2034/2021, reiterating their claim for grant of family pension in their favour and seeking discontinuation of the pension being paid to Respondent No.6. The said writ petition was dismissed as withdrawn by order dated 31.01.2023.

16. Thereafter, the Petitioners have instituted the present Writ Petition, once again seeking grant of family pension in their favour and questioning the legality of the continued payment of family pension to Respondent No.6 after her remarriage, as well as the validity of the statutory and executive provisions governing such entitlement.

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CONTENTIONS OF THE PARTIES

17. Contentions of the Petitioners

17.1 Learned counsel for the Petitioners assailed the Office Order dated 10.08.2017 and the continued payment of family pension to Respondent No.6 on multiple grounds, all of which were advanced with reference to Rule 54 of the Rules and Clause 8.6 of the Office Memorandum dated 02.09.2008.

17.2 It was submitted that the Petitioners, being the aged parents of the deceased employee, were wholly dependent upon him during his lifetime and, after his death, have been left without any sustainable means of livelihood. Emphasis was placed on their advanced age and financial vulnerability, it being contended that denial of family pension to dependent parents defeats the very object of a welfare-oriented pensionary regime.

17.3 It was contended that once Respondent No.6 remarried after the death of the deceased employee and thereafter gave birth to a child from the second marriage, she could no longer be regarded as part of the 'family' of the deceased employee for the purposes of pensionary entitlement. It was urged that continuation of family pension to a remarried widow, particularly when she has entered into a new matrimonial relationship, is legally impermissible and unjustified.

17.4 The Petitioners further questioned the validity of the distinction carved out under Rule 54 of the Rules and the Office Memorandum dated 02.09.2008 between a widow and dependent parents. It was

argued that while a remarried widow is permitted to continue receiving family pension as a "childless widow", the dependent parents of the deceased employee are altogether excluded from consideration, which according to the Petitioners results in hostile discrimination.

17.5 It was submitted that Rule 54 of the Rules is conspicuously silent on the question as to whether a widow, who is childless at the time of remarriage, continues to retain that status for the purposes of family pension upon subsequently giving birth to a child from the second marriage. According to the Petitioners, the absence of any statutory clarity governing such an eventuality results in uncertainty and arbitrariness in the application of the rule, rendering it constitutionally vulnerable.

17.6 The Petitioners invoked Articles 14 and 41 of the Constitution of India and contended that the impugned provisions fail to satisfy the test of reasonable classification and run contrary to the constitutional vision of a socialist welfare State. Reliance was placed on the Directive Principles of State Policy to submit that pensionary benefits ought to be interpreted in a manner that advances social and economic justice, particularly for aged and dependent parents.

17.7 It was further submitted that the Respondents, while passing the Office Order dated 10.08.2017, failed to properly consider the Petitioners' representation in the light of the judgment of the Supreme Court in ***M. Jameela Beevi v. S. Balagopala Pillai***[1], as well as the

[1] (1997) 11 SCC 462

scope of relaxation available under Rule 88 of the Rules, as directed by this Court in its earlier order dated 31.05.2017. Further reliance was placed upon the decision of the Supreme Court in ***D.S. Nakara v. Union of India***[2] to submit that arbitrariness in State action relating to pension is impermissible and that equals cannot be treated unequally without a reasonable basis. It was contended that dependent parents and widows form a class of beneficiaries intended to be protected under the pensionary regime and cannot be discriminated against in an irrational manner.

17.8 It was also alleged that the decision to continue family pension in favour of Respondent No.6 was based on incorrect assumptions and without proper appreciation of the factual circumstances, including the alleged remarriage and subsequent events, and was therefore liable to be interfered with in exercise of writ jurisdiction.

18. Contentions of the Respondents

18.1 *Per contra*, learned counsel for the Respondents submitted that the claim of the Petitioners for grant of family pension is wholly misconceived and contrary to the express provisions of Rule 54 of the Rules. It was contended that the challenge to Rule 54 itself, as well as the prayer seeking disentitlement of Respondent No.6 from family pension on account of her remarriage and childbirth from her second marriage, is untenable in law.

18.2 It was submitted that the entitlement of Respondent No.6 to family pension flows directly from Rule 54 of the Rules under the

[2] (1983) 1 SCC 305

specific head of "childless widow". The Rules, as well as the executive instructions issued thereunder, expressly provide that a childless widow is entitled to continue to receive family pension even after remarriage, subject only to the condition relating to her independent income. It was urged that under the statutory scheme, cessation of entitlement is linked exclusively to the income criterion and not to remarriage per se.

18.3 It was further submitted that apart from the existence of Respondent No.6 as an eligible widow, the Petitioners are independently disentitled to family pension under Category-II, sub-category (d) of Rule 54, which governs entitlement of dependent parents. It was pointed out that under the said provision, parents are entitled to family pension only where the deceased employee had left behind neither a widow nor a child. In the present case, the deceased employee admittedly left behind his widow, Respondent No.6, and therefore, at the very inception of the family pension regime, the Petitioners were statutorily ineligible.

18.4 It was contended that a plain reading of Rule 54 does not admit of any exception or relaxation in favour of dependent parents where a widow exists and continues to be eligible. According to the Respondents, the Rules do not confer any vested or preferential right upon parents to claim family pension in derogation of the entitlement of a widow.

18.5 The Respondents also refuted the contention of the Petitioners that Respondent No.6 ceased to be a member of the 'family' upon her

remarriage and childbirth from the second marriage. In this regard, reliance was placed on the judgment of the Supreme Court in ***Ram Shridhar Chimurkar v. Union of India & Anr***[3]**.** It was submitted that the Supreme Court, while interpreting Rule 54(14)(b) of the Rules, explained the scope of the expression "family in relation to a government servant" and held that the association or nexus required under the Rule must be direct and not remote. The Respondents emphasized that the Supreme Court has, on an interpretation of Rule 54(14)(b), held that relationships arising after the demise of the government servant do not satisfy the nexus required under the definition of 'family'.

18.6 On this basis, it was submitted that the child born to Respondent No.6 after her remarriage cannot be said to have any legal nexus with the deceased employee for the purposes of pensionary entitlement, and therefore, the status of Respondent No.6 as a 'childless widow' under the Rules remains unaffected by subsequent events.

18.7 It was submitted that the Petitioners' contention that Rule 54 of the Rules is silent on the issue of whether a childless widow continues to remain so after remarriage and childbirth is unsustainable. It was argued that the interpretation placed by the Supreme Court clarifies that relationships arising after the death of the government servant are legally irrelevant for determining entitlement under Rule 54.

18.8 It was further submitted that reliance placed by the Petitioners

[3] (2023) 4 SCC 312

on the decision of the Supreme Court in ***M. Jameela Beevi*** *(supra)* is misplaced as the said judgment was rendered in the context of the Kerala Service Rules and dealt with a situation where remarriage of a widow resulted in cessation of family pension. According to the Respondents, the said judgment does not deal with, nor does it lay down any principle governing, the case of a childless widow who continues to receive pension after remarriage under a specific statutory provision. It was further pointed out that in ***M. Jameela Beevi*** *(supra),* the Supreme Court also took note of a compromise between the mother-in-law and the daughter-in-law, which materially distinguishes the factual matrix of that case from the present one.

18.9 Further reliance was placed on the decision of Jammu & Kashmir High Court in ***Vaishnu Devi v. Union of India***[4] wherein, while interpreting Rule 54(6) of the CCS (Pension) Rules, it was held that family pension is payable in the first instance to the widow of the deceased employee and that dependency of parents, however genuine, does not confer any enforceable right so long as an eligible widow exists. It was submitted that the said decision reaffirms that remarriage of a childless widow does not, by itself, result in cessation of family pension unless the income criterion prescribed under the proviso to Rule 54(6)(i) is attracted.

18.10 It was next submitted that the Government of India decision relied upon by the Petitioners does not advance their case, as the said decision pertains to the rate or quantum of family pension payable to different categories of beneficiaries and does not alter or expand the

[4] *OWP No. 986/2010*

statutory conditions of eligibility prescribed under Rule 54.

18.11 With respect to Rule 88 of the Rules, it was submitted that the said provision is discretionary in nature. It was contended that the competent authority, while passing the Office Order dated 10.08.2017, was fully conscious of the earlier order dated 31.05.2017 passed by this Court and duly considered the scope of relaxation. After such consideration, a conscious decision was taken not to extend the benefit of family pension to the Petitioners. It was urged that the Petitioners cannot seek repeated invocation of Rule 88 as a matter of right, particularly after their claim has already been examined and rejected by a reasoned and speaking order.

ANALYSIS & FINDINGS

19. This Court has considered the submissions advanced on behalf of the parties and perused the record. The controversy in the present Petition lies in a narrow compass and turns primarily on the interpretation and application of Rule 54 of the Rules read with the executive instructions issued thereunder.

20. For the sake of convenience, Rule 54 of the Rules is reproduced as under:

> *"Rule 54 – ……*
>
> *(22). Family pension is admissible also to children from the void or voidable marriage. - Attention is invited to provisions contained in Rule 54 (8) of CCS (Pension) Rules, 1972 and decisions thereunder on regulation of amount of family pension payable. This Department has been receiving references from Ministries/Departments seeking advice on the question of admissibility of family pension to children of a deceased Government servant/pensioner from a wife whose marriage with the said Government servant/pensioner would be voidable or held void under the provisions of Hindu Marriage Act.*

2. The matter regarding grant of pensionary benefits to such children has been examined in consultation with the Ministry of Law.

3. In view of the fact that Section 16 of the Hindu Marriage Act, 1955 as amended by Hindu Marriage Laws (Amendment) Act States "Notwithstanding that a marriage is null and void under Section 11, any child of such marriage who would have been legitimate if the marriage had been valid shall be legitimate, whether such child is born before or after the commencement of Marriage Law (Amendment) Act, 1976 and whether or not a decree of nullity is granted in respect of that marriage under this act, and whether or not the marriage is held to be void otherwise than on a petition under this act."

4. The rights of such children require to be protected and will accrue accordingly. It is therefore, clarified that pensionary benefits will be granted to children of a deceased Government servant/pensioner from such type of void marriages when their turn comes in accordance with Rule 54 (8). It may be noted that they will have no claim whatsoever to receive family pension as long as the legally wedded wife is the recipient of the same.

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(24). Dependent parents and widowed/divorced daughter also included in the definition of family. - For the purpose of grant of Family Pension, the definition of Family shall also include:

(a) Parents who were wholly dependent on the Government servant when he/she was alive provided the deceased employee had left behind neither a widow nor a child.

(b) Son/daughter including widowed/divorced daughter till he/she attains the age of 25 years or up to the date of his/her marriage/remarriage, whichever is earlier. [G.I., Dept. of Pen. & P.W., O.M., No. F. 45/86/97-P. & P.W. (A), Part - I dated the 27th October, 1997, Para. 7.2.]

2. Income Criteria:-- The income criteria in respect of parents and widowed/divorced daughters will be that their earning is not more than Rs. 2,550 per month. The parents will get Family Pension at 30% of basic pay of the deceased employee, subject to a minimum of Rs. 1,275 per month. They also will have to produce an annual certificate to the effect that their earning is not more than Rs. 2,550 per month. Further the Family Pension to the widowed/divorced daughter will be admissible till they attain the age of 25 years or up to the date of her re-marriage, whichever is earlier.

3. It has also been decided by the Government on the basis of the recommendations of the Fifth Central Pay Commission and in partial modification of this Department's O.M.No. 1 (26)-P&PW/90-(E),

dated 18-1-1993 that the Family Pension in respect of sons/daughters (including widowed/divorced daughter) will be admissible, subject to the condition that the payment should be discontinued/not admissible when the eligible son/daughter starts earning a sum of Rs. 2,550 per month from employment in Government, the private sector, self employment etc. It is further clarified that the Family Pension to the sons/daughters will be admissible till he/she attains the 25 years of age or up to the date of his/her marriage/remarriage, which ever is earlier. There is however, no change in the provisions about admissibility of Family Pension in respect of sons/daughters suffering from any disorder or disability of mind or who is physically crippled or disabled as mentioned in the OM, dated 18-1-1993.

4. Admissibility of Family Pension to parents and widowed/divorced daughter will be effective from 1-1-1998, subject to fulfilment of other usual conditions. The cases where Family Pension has already been granted to sons/daughters after 1-1- 1998 before issue/implementation of this OM without imposition of earning condition need not be reopened.

5. These orders issue with the approval of Ministry of Finance, Department of Expenditure, vide their U.O. No. 53/E.V/98, dated 29-1-1998.

xxxxx xxxxx xxxxx xxxxx xxxxx

(27). Eligibility of divorced/widowed daughter for grant of family pension. -As per clauses (ii) and (iii) of sub-rule (6) of Rule 54 of the C.C.S (Pension) Rules, 1972 read with clause (b) of para 7.2 of this Department's O.M. No.45/86/97- P&PW (A)-Part I dated the 27th October 1997, son/daughter including widowed/divorced daughter shall be eligible for grant of family pension till he/she attains the age of 25 years or up to the date of his/her marriage/remarriage, whichever is earlier (subject to income criterion to be notified separately). The income criterion has been laid down in this Department's O.M. No.45/51/97-P&PW (E) dated the 5th March 1998 according to which, to be eligible for family pension, a son/daughter (including widowed/divorced daughter) shall not have an income exceeding Rs.2,550 per month from employment in Government, the private sector, self employment etc. Further orders were issued vide this Department's O.M. No.45/51/97-P&PW (E) (Vol.II) dated 25th July 2001 regarding eligibility of disabled divorced/widowed daughter for family pension for life subject to conditions specified therein.

2. Government has received representations for removing the condition of age limit in favour of divorced/widowed daughter so that they become eligible for family pension even after attaining the age limit of 25 years. The matter has been under consideration in this Department for sometime. In consultation with the Ministry of

Finance, Department of Expenditure and the Ministry of Law and Justice, Department of Legal Affairs etc., it has now been decided that there will be no age restriction in the case of the divorced/widowed daughter who shall be eligible for family pension even after their attaining 25 years of age subject to all others condition prescribed in the case of son/daughter. Such daughter, including disabled divorce/ widowed daughter shall, however, not be required to come back to her parental home as stipulated in Para 2(ii) of this Department's O.M. dated 25th July 2001,which may be deemed to have been modified to that extent.

3. This issue will be concurrence of the Ministry of Finance, Department of Expenditure vide I.D.N0.98/E.V/2004 dated 13-12-2004. 4. These order, in so far as they apply to the employees of Indian Audit and Accounts Department, are issued in the consultation with the Comptroller and Auditor General of India vide U.O. No.67 Audit (Rules)/37-99 dated 20-5-2004."

21. At the outset, it is necessary to bear in mind that family pension is not a matter of inheritance, nor is it a benefit that devolves upon all legal heirs of a deceased government servant. The entitlement to family pension is a creature of statute. It does not arise from considerations of equity or compassion, but flows strictly from the provisions of Rule 54 of the Rules and the policy framework governing its operation. Any claim for family pension must, therefore, be examined strictly on the anvil of the statutory scheme as it stands.

22. Rule 54 of the Rules constitutes a self-contained code governing the grant, continuation, cessation, and prioritisation of family pension. The Rule identifies the class of beneficiaries entitled to family pension, prescribes the order of priority among them, and stipulates the conditions subject to which such entitlement subsists or ceases. The entitlement under the Rule is neither equitable nor discretionary in origin, but statutory and conditional.

23. The structure of Rule 54 makes it evident that the rule-making

authority has consciously classified beneficiaries into distinct categories and sub-categories, prescribing a clear hierarchy of entitlement. The Rule accords primacy to the widow or widower of the deceased government servant. Parents of the deceased employee fall under Category-II beneficiaries and their entitlement arises only in the contingencies expressly contemplated by the Rule.

24. Insofar as dependent parents are concerned, their entitlement is expressly governed by Category-II, sub-category (d) of Rule 54. A plain reading of the said provision makes it abundantly clear that parents become eligible for family pension only in a situation where the deceased employee has left behind neither a widow nor a child. The entitlement of parents is thus contingent and residual in nature, and arises only upon the non-existence of a prior eligible beneficiary under the statutory scheme.

25. In the present case, it is an admitted position that late CT/Bug Bhim Singh was survived by his widow, Respondent No.6, at the time of his death. It is also not in dispute that family pension was initially sanctioned in her favour strictly in accordance with Rule 54 of the Rules. Consequently, the threshold condition for consideration of the Petitioners' claim as dependent parents was not satisfied at the inception of the family pension regime.

26. The principal grievance raised by the Petitioners, however, is not confined to their initial ineligibility. The Petitioners contend that Respondent No.6 forfeited her entitlement upon remarriage and, more particularly, upon the birth of a child from her second marriage,

thereby rendering the continuance of family pension in her favour legally impermissible and entitling the Petitioners to be considered for the same.

27. This submission necessitates an examination of the provisions governing the entitlement of a childless widow after remarriage. Rule 54, read with Clause 8.6 of the Office Memorandum dated 02.09.2008, specifically contemplates the case of a childless widow. The said provisions unequivocally stipulate that a childless widow is entitled to continue to receive family pension even after remarriage, subject to the condition that her independent income does not exceed the prescribed limit.

28. The continuance of family pension in favour of a childless widow after remarriage is not an implied or accidental consequence of the Rules, but a conscious and express policy choice embedded in the statutory framework. Significantly, the scheme links cessation of pension not to remarriage as such, but to the income criterion prescribed under the Rules and the executive instructions.

29. The Petitioners have urged that Rule 54 is silent on the question whether a widow who was childless at the time of remarriage continues to retain that status upon subsequently giving birth to a child from the second marriage. According to the Petitioners, such silence introduces arbitrariness and uncertainty.

30. This Court is unable to accept the said contention. Rule 54 defines entitlement to family pension with reference to the status existing in relation to the deceased government servant. The

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expression "family" under Rule 54(14)(b) is prefaced by the words "family in relation to a government servant", which clearly indicate that the relationship contemplated must bear a direct and proximate nexus to the deceased employee.

31. The Supreme Court, in ***Shri Ram Shridhar Chimurkar*** *(supra)* has authoritatively interpreted the scope of the expression "in relation to a government servant" occurring in Rule 54(14)(b). The Court has held that the association or nexus required under the Rule must be direct and proximate, and that relationships arising after the demise of the government servant do not satisfy the statutory requirement.

32. Applying the aforesaid principle to the facts of the present case, the birth of a child to Respondent No.6 from her second marriage does not create any legal nexus between such child and the deceased employee. Such post-death relationships are legally irrelevant for determining entitlement under Rule 54 of the Rules. Consequently, the occurrence of such subsequent events does not alter the entitlement of Respondent No.6 as a childless widow under the Rules, which crystallises with reference to her status *vis-à-vis* the deceased employee.

33. The contention that Rule 54 of the Rules envisages a dynamic reclassification of entitlement based on events occurring after the death of the government servant is unsupported by the statutory scheme. The Rules do not predicate the status of "childless widow" on future contingencies unconnected with the deceased employee, nor do they contemplate forfeiture of entitlement on account of relationships

arising thereafter.

34. The challenge laid by the Petitioners to the constitutional validity of Rule 54 and Clause 8.6 of the Office Memorandum dated 02.09.2008 on the ground of arbitrariness and hostile discrimination also does not merit acceptance. The classification between widows and dependent parents is explicit, intelligible, and founded on a rational nexus with the object sought to be achieved by the family pension scheme.

35. The object of family pension is to provide immediate and assured financial support to the closest dependents of the deceased government servant, in an order of priority determined by the rule-making authority. The primacy accorded to the widow, including a childless widow after remarriage, reflects a policy determination which cannot be characterised as manifestly arbitrary merely because it excludes parents in the presence of an eligible widow.

36. The reliance placed by the Petitioners on Articles 14 and 41 of the Constitution of India does not advance their case. While Directive Principles of State Policy undoubtedly guide the interpretation of welfare legislation, they cannot be invoked to rewrite or supplant clear statutory provisions, particularly where the legislative scheme reflects a conscious balancing of competing claims.

37. The decision of the Supreme Court in ***M. Jameela Beevi*** *(supra)* is clearly distinguishable. The said judgment was rendered in the context of the Kerala Service Rules and dealt with cessation of pension upon remarriage under a materially different statutory

framework. It does not lay down any principle governing continuance of family pension to a childless widow after remarriage under the CCS (Pension) Rules, 1972.

38. As regards Rule 88 of the Rules, the power of relaxation conferred thereunder is discretionary and cannot be claimed as a matter of right. The record reveals that pursuant to the order dated 31.05.2017 passed by this Court, the competent authority examined the Petitioners' claim, adverted to the scope of relaxation, and thereafter passed a reasoned Office Order dated 10.08.2017. No perversity, arbitrariness, or non-application of mind is discernible so as to warrant interference in exercise of writ jurisdiction.

CONSTITUTIONAL VALIDITY

39. Before concluding, this Court deems it appropriate to examine the challenge raised by the Petitioners to the constitutional validity of Rule 54 of the Central Civil Services (Pension) Rules, 1972 and Clause 8.6 of the Office Memorandum dated 02.09.2008. It is a settled principle of constitutional adjudication that a statutory provision enjoys a strong presumption of validity, and the burden lies heavily upon the person who assails it to demonstrate clear violation of a constitutional mandate or manifest arbitrariness of such degree as would render the provision unconstitutional.

40. The Supreme Court has consistently held that the constitutional validity of a statute or a statutory rule can be questioned only on limited and well-defined grounds. In ***State of A.P. v. McDowell &***

Co.[5], the Supreme Court authoritatively ruled that a law made by a competent legislature can be struck down only on two grounds, namely:

i. lack of legislative competence; or

ii. violation of any fundamental right or other constitutional provision.

It was categorically held that there is no third ground for invalidating a statute, and that courts cannot strike down a law merely on the basis that it is unjust, harsh, or that a different or more equitable view is possible. This principle was reaffirmed in ***Greater Bombay Co-operative Bank Ltd. v. United Yarn Tex. Pvt. Ltd***[6].

41. It is equally well settled that while examining the constitutional validity of a statutory provision, the Court does not sit in appeal over legislative wisdom or policy choices. The test is not whether another view or alternative policy may appear equally convincing, but whether the provision is so inherently arbitrary, irrational or discriminatory that it violates Article 14 of the Constitution or lacks any rational nexus with the object sought to be achieved. The Supreme Court has also emphasised that courts must exercise judicial restraint in matters of legislative policy, and that a statute cannot be invalidated merely because it results in hardship or because another classification may appear preferable. It is settled that matters relating to pensionary entitlements fall within the domain of economic and social policy,

[5] (1996) 3 SCC 709
[6] (2007) 6 SCC 236

where the scope of judicial review is inherently limited.

42. Tested on the aforesaid principles, this Court finds no infirmity in Rule 54 of the Rules or Clause 8.6 of the Office Memorandum dated 02.09.2008. The provisions clearly disclose a discernible legislative and executive policy aimed at providing financial security to the widow of a deceased member of a disciplined force, even after remarriage, subject to the condition that her independent income does not exceed the prescribed limit. The object underlying the provision appears to be to encourage remarriage of widows while ensuring that the sacrifice made by members of the armed and paramilitary forces, in the interest of public order and societal welfare, does not leave their immediate dependents financially vulnerable. Such an object is not only legitimate but also laudable, and bears a direct and rational nexus with the classification made under the Rules.

43. It is also significant that the statutory scheme itself contains an in-built safeguard by providing that upon remarriage, if the financial resources of the widow are found to be sufficient and adequate, the family pension would not continue. This clearly demonstrates that the provision is neither arbitrary nor unguided. The Petitioners have failed to demonstrate that Rule 54 violates any constitutional provision or that it is manifestly arbitrary in the constitutional sense. Merely because a different interpretation or policy choice may appear possible does not furnish a ground for striking down a statutory provision which otherwise satisfies constitutional scrutiny.

44. This Court is not unmindful of the hardship pleaded by the

Petitioners. However, it is trite that considerations of sympathy, equity or compassion, howsoever compelling, cannot override the express provisions of a statutory pension scheme or form the basis for invalidating a rule which is otherwise constitutionally sound. In the absence of any demonstrated violation of constitutional principles, the challenge to the validity of Rule 54 of the Central Civil Services (Pension) Rules, 1972 and Clause 8.6 of the Office Memorandum dated 02.09.2008 must necessarily fail. So long as Respondent No.6 continues to be eligible under Rule 54 of the Rules, the Petitioners do not acquire any enforceable right to claim family pension.

45. In view of the foregoing discussion, this Court finds no infirmity in the Office Order dated 10.08.2017. The decision of the Respondents to continue family pension in favour of Respondent No.6 is in consonance with the statutory scheme and does not warrant interference under Article 226 of the Constitution of India.

CONCLUSION & FINAL ORDER

46. In view of the foregoing analysis, this Court is of the considered opinion that the Petitioners have failed to make out any legal or constitutional infirmity either in **Rule 54 of the Central Civil Services (Pension) Rules, 1972**, or in **Clause 8.6 of the Office Memorandum dated 02.09.2008**, governing the entitlement of a childless widow to continue to receive family pension after remarriage.

47. The continued payment of family pension to Respondent No.6 is in strict conformity with the statutory scheme and the executive

instructions issued thereunder. The Petitioners, being the parents of the deceased employee, do not satisfy the conditions prescribed under Rule 54 for grant of family pension in the presence of an eligible widow, and no vested or preferential right in their favour can be inferred dehors the Rules.

48. The challenge laid by the Petitioners to the Office Order dated 10.08.2017 is equally devoid of merit. The said order reflects due application of mind, consideration of the relevant statutory provisions, and adherence to the directions earlier issued by this Court. No ground is made out for interference in exercise of the extraordinary writ jurisdiction under Article 226 of the Constitution of India.

49. The Writ Petition is accordingly dismissed. Pending application also stands dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JANUARY 27, 2026
s.godara/pal