

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 628 OF 2020
(Arising out of S.L.P.(C) No. 32024 of 2016)

Neeraj Yadav

.....Appellant(s)

Vs.

Union of India & Ors.

.....Respondent(s)

O R D E R

Leave granted.

This is an unfortunate dispute between the widow of the deceased and her in laws. Both claimed the death benefits payable on the death of the deceased who was employed as a constable in the Boarder Security Force.

The admitted facts are that Mahesh Kumar who was the constable had before his marriage made a nomination in favour of his father to receive the amount under the Central Government Employees Group Insurance Scheme (CGEGIS). He had also made a nomination under Rule 51(1)(A) read with Rule 53 of the CCS Pension Rules in respect of the death- cum-retirement gratuity payable and the nomination was again in favour of the father. There is another scheme known as

the Seema Prahari Beema Yojna. There is no nomination as far as this amount is concerned. This amount has not been paid because according to the Union of India succession certificate is required. We are told that the amount payable under the scheme is 10 lakhs. Rs.59,000 in lieu of leave encashment has been paid to the widow in terms of Rule 39 CCS Leave Rules. We have been told that the widow was also granted appointment on the compassionate ground and family pension.

It is not disputed that the widow got remarried on 26th April, 2018 and therefore could not be entitled to any family pension after the said date. This family pension was paid on account of the fact that the contributory provident fund amount was not received by the claimants because they opted for family pension and not the amount of CPF.

Without going into legal aspect of the matter and in the peculiar facts and circumstances of the case we have to give quietus to acrimonious litigation between the two sides by directing that the amount(s) already paid to the parties shall be deemed to be payable to them. The amount of Rs.10,00,000/- to be paid under the Seema Prahari Beedma Yojna, shall be paid in equal shares of Rs.5 lakhs each to the widow Smt. Neeraj Yadav and the mother Smt. Nihal Kaur. The requirement of obtaining succession

certificate is dispensed with because admittedly the widow and the mother are the only Class I heirs of the deceased. On this amount of Rs.5 lakhs each payable to the wife and the mother the Union of India shall pay simple interest @ 6% per annum from 14.4.2013 i.e. three months after the death of employee till the date of payment. This order has been passed in the peculiar facts and circumstances of the case and shall not be treated as a precedent.

We make it clear that the entitlement of the parents to get family pension shall be decided by the Government in accordance with law.

The Appeal is disposed of accordingly.

.....J.
(DEEPAK GUPTA)

.....J.
(ANIRUDDHA BOSE)

New Delhi;
20th January, 2020.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 32024/2016

(Arising out of impugned final judgment and order dated 23-08-2016
in LPA No. 1517/2016 passed by the High Court Of Punjab & Haryana
At Chandigarh)

NEERAJ YADAV

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS MINISTRY OF
DEFENCE BORDER SECURITY FORCE SECRETARY & ORS.

Respondent(s)

Date : 20-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSEFor Petitioner(s) Mr. Deepkaran Dalal, Adv.
Mr. Karan Dalal, Adv.
Mr. Atul Dewan, Adv.
Mr. Yash Pal Dhingra, AORFor Respondent(s) Mr. Vikramjeet Banerjee, ASG.
Mr. Merusagar Samantray, Adv.
Ms. Rukmini Bobde, Adv.
Mr. Nalin Kohli, Adv.
Mr. Siddhartha Sinha, Adv.
Mr. B. V. Balaram Das, AORMr. Rohit Sharma, adv.
Mr. Atul Agarwal, Adv.
Mr. Raunak Nayak, Adv.
Mr. Kumar Dushyant Singh, AORUPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The Appeal is disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(SUMAN WADHWA)
AR CUM PS(PRADEEP KUMAR)
BRANCH OFFICER

Signed order is placed on the file.