

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

L.P.A. No.570 of 2010 (O&M)
Date of decision: 30.4.2010

Union of India & others.

-----Appellants

Vs.

Smt. Tiddo.

-----Respondent

**CORAM:- HON'BLE MR. JUSTICE ADARSH KUMAR GOEL
HON'BLE MR. JUSTICE ALOK SINGH**

Present:- Ms. Anjali Kukar, Advocate
for the appellants.

ORDER:

1. This appeal has been preferred against order of learned Single Judge, allowing family pension to the respondent writ petitioner.

2. The respondent writ petitioner was aggrieved by stopping of family pension granted to her. Her husband was enrolled in Army in the year 1967 and died in the year 1969 while in service. Accordingly, the writ petitioner was given family pension. Thereafter, she married the brother of her late husband and she continued getting the family pension, but in the year 1985, her family pension was stopped. She filed writ petition, pointing out that under Regulation 219 of the Pension

Regulations for the Army, 1961 (for short, "the Regulation"), remarrying brother of late husband does not debar continuance of family pension.

3. Learned Single Judge upheld the claim of the respondent writ petitioner.

4. We have heard learned counsel for the appellants.

5. It is not disputed that claim of the writ petitioner was duly covered by Regulation 219 of the Regulation. This being the position, there is no ground to interfere with the view taken by learned Single Judge.

6. The appeal is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

April 30, 2010
ashwani

(ALOK SINGH)
JUDGE