

1
**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

**BEFORE
HON'BLE SHRI JUSTICE VIVEK AGARWAL**

ON THE 8th OF MAY, 2024

WRIT PETITION No. 2684 of 2017

BETWEEN:-

**SMT. RITU KORI W/O SHRI LATE KISHAN KORI, AGED
ABOUT 36 YEARS, R/o 451/2, LALMATI SIDDH BABA
ROAD NEAR GYAN DEEP SCHOOL DISTRICT JABALPUR
(MADHYA PRADESH)**

.....PETITIONER

(NONE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
CHIEF MEDICAL OFFICER VICTORIA HOSPITAL
JABALPUR (MADHYA PRADESH)**
- 2. THE COLLECTOR, JABALPUR COLLECTORATE
OFFICE, DISTRICT JABALPUR (MADHYA
PRADESH)**
- 3. THE DISTRICT TREASURY TREASURER OFFICE
JABALPUR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI PIYUSH BHATNAGAR - PANEL LAWYER)

.....
*This petition coming on for admission this day, the court passed the
following:*

ORDER

This writ petition is filed by the widowed daughter of the late employee of the Health Department claiming benefit of family pension.

Brief facts of the case are that, petitioner's mother was working as *Aaya* at Victoriya Hospital, Jabalpur. She died on 21.08.2014 while performing her

duties. It is submitted that petitioner's brother was given compassionate appointment and also all the death -cum- retirement benefits arising on account of the death of her mother.

It is submitted that, petitioner was married in the year, 1996 but after marriage she lost her husband on 25.08.2004 and since then, she was residing with her mother at Victoria Hospital Campus. A prayer is made to direct the authorities to grant her family pension since the year, 2014 in an expeditious manner.

Respondents have filed their return and in their return, they have enclosed the copies of the instructions as Annexure R-1dt. 08.08.2007 in which a reference is made to Rule 47(14)(B)(ii) of the M.P. Civil Services (Pension) Rules, 1976 in which is mentioned that, family pension is admissible only up to the age of 25 years.

I have perused the provisions contained in Rule 47(14)(B)(ii) of the M.P. Civil Services (Pension) Rules, 1976 and it is evident that this provisions is available to a dependent son or an unmarried or widowed or divorced daughter. There is further rider that it will be available up to the age of 25 years or up to the date of his/her marriage/remarriage as the case may be which ever is earlier, subject to the income criteria as prescribed by the State Government from time to time.

It is evident that, there is no documentary evidence to show that petitioner was dependent on her mother. She has also not filed any documentary evidence to prove death of her husband on 25.08.2004 in the form of any death certificate etc. Therefore, petitioner has failed to prove the dependence of her on her late mother claiming herself to be entitled to family pension. Therefore, once she does not fall in the category covered under Rule

47(14) she is not entitled to any relief.

Thus, petition fails and is dismissed.

(VIVEK AGARWAL)
JUDGE

AR

