



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

*Reserved on: August 06, 2025*

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*Pronounced on: September 12, 2025*

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**W.P.(C) 7133/2019**

**NEELAM TRIPATHI**

**.....Petitioner**

Through: Mr. Ajit Kakkar, Adv.

Versus

**UNION OF INDIA AND ORS.**

**.....Respondents**

Through: Mr. Ravi Prakash, Sr. Adv. with Ms.  
Astu Khandelwal Adv.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**J U D G M E N T**

**SAURABH BANERJEE, J.**

**Preface:**

1. By way of the present writ petition under *Article 226* of the Constitution of India, the petitioner seeks issuance of a writ of mandamus directing the respondent nos.1 to 4 to release the family pension, along with various other amounts/ entitlements arising out of the service of her husband/ Late Inspector Ashish Tripathi<sup>1</sup> in the Border Security Force<sup>2</sup> in her favour, along with quashing of the letter dated 13.05.2019 issued by the BSF detailing various such amounts/ entitlements, and to whom the same are payable.

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<sup>1</sup> Hereinafter referred as '*Inspector Tripathi*'

<sup>2</sup> Hereinafter referred as '*BSF*'



**Brief Facts:**

2. Concisely put, Inspector Tripathi was enrolled in the BSF as a Sub-Inspector on 12.01.2004. At the time of his appointment into service, he nominated his mother Smt. Shradha Tripathi/ respondent no.5<sup>3</sup> as the sole nominee for his Death-Cum-Retirement Gratuity<sup>4</sup>, General Provident Fund<sup>5</sup> and other financial benefits to be disbursed to the nominee in the event of his death.
3. Thereafter, on 07.02.2011 Inspector Tripathi solemnized marriage with Smt. Neelam Tripathi/ petitioner<sup>6</sup>, whereafter they were blessed with a child.
4. While there was no change in the previous nominations made by Inspector Tripathi, he made his wife a nominee in his BSF Insurance Scheme<sup>7</sup> for 60% of the share thereunder, simultaneously nominating his mother for the balance 40% share, as well as entered her name as his Next of Kin<sup>8</sup> in his *E Bio-data* on the BSF Intranet Prahari Project.
5. Unfortunately, on 03.07.2018, Inspector Tripathi passed away due to '*acute myocardial infraction*'. Resultantly, various amounts under different Heads/ Schemes became payable strictly in the manner laid down under the Rules applicable to each such Head/ Scheme.
6. Later, on 29.07.2018 the wife applied for the release of the final payable balance in Inspector Tripathi's GPF by submitting the requisite forms and documents to the Accounts Section Officer, Fund Section, PAD

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<sup>3</sup> Hereinafter referred as '*mother*'

<sup>4</sup> Hereinafter referred as '*DCRG*'

<sup>5</sup> Hereinafter referred as '*GPF*'

<sup>6</sup> Hereinafter referred as '*wife*'

<sup>7</sup> Hereinafter referred as '*GJSPKK*'

<sup>8</sup> Hereinafter referred as '*NOK*'



BSF, New Delhi and *vide* letter dated 23.10.2018, the BSF requested her to submit a Succession Certificate in accordance with law, whereafter on 20.11.2018, the wife appeared before the DIG (RR) FHQ (Adm Dte) to express her grievances regarding the non-payment of family pension to her.

7. In the meanwhile, on 27.08.2018 Inspector Tripathi's mother and father also sent a fax to the BSF requesting the authorities to deposit all the amounts/ after death financial benefits in the name of Master Astitva Tripathi, their grandson/ son of her husband and his wife. However, the same was declined since the disbursement of payable amounts could only take place strictly as per the applicable Rules.

8. On 30.11.2018, in accordance with the Central Civil Service (Pension) Rules, 1972<sup>9</sup>, the FHQ (Adm Dte) directed the Unit of Inspector Tripathi to process the family pension in favour of the wife, and the remaining death benefits as per the respective nominations made by Inspector Tripathi under the CCS Pension Rules and the General Provident Fund (Central Services) Rules, 1960<sup>10</sup>.

9. In between, various communications regarding the supply of a copy of the will/ nominations filled by Inspector Tripathi were exchanged between the wife and the BSF, including the filing of an application dated 25.02.2019 under the Right to Information Act, 2005 by the wife, which was responded to by the BSF on 09.04.2019 along with copies of the nominations. The same fact was also reiterated by the BSF *vide* letter dated 13.05.2019, and the wife was informed that the benefits have been

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<sup>9</sup> Hereinafter referred as '*CCS Pension Rules*'

<sup>10</sup> Hereinafter referred as '*GPF Rules*'



disbursed as per the applicable Rules to the nominees. The wife has challenged the said letter in the present proceedings as well.

10. The wife then sent a Legal Notice dated 29.05.2019 to the BSF, who responded to it *vide* letter dated 01.07.2019, giving all the relevant details of the disbursements made both in favour of the wife and in favour of the mother by the PAD BSF. In this regard, a table setting out all the relevant payments due/ paid, and the Schemes/ Rules under which the same have been/ would be disbursed, along with all other necessary details has been provided in the Counter Affidavit filed by the respondent nos.1 to 4. As per it, the DCRG amounting to Rs.13,16,720/- has been paid to the mother as per *Rule 50* read with *Rule(s) 51* and *53* of the CCS Pension Rules; and the GPF amounting to Rs.9,59,791/- has also been paid to the mother as per *Rule 5* read with *Rule(s) 33* and *2(c)* of the GPF Rules; and the GJSPKK amounting to Rs.18,000/- being 60% and Rs.12,000/- being 40% has also been paid to the wife and the mother respectively, in accordance with the share-wise nomination made by Inspector Tripathi.

11. Considering that the remaining payments being the family pension under *Rule 54* of the CCS Pension Rules, leave encashment amounting to Rs.4,13,670/- under *Rule 39C* of the Central Civil Services (Leave) Rules, 1972 and financial assistance amounting to Rs.70,000/- have already been paid to the wife, since the issue remains only *qua* the DCRG, GPF and 40% of the GJSPKK amounts disbursed to the mother, both sides have addressed their respective arguments *qua* the same only.

**Submissions of Petitioner:**

12. Mr. Ajay Kakkar, learned counsel for the wife has primarily contended that since Inspector Tripathi was legally married to her at the



time of his demise, as also considering that the nominations in favour of the mother relied on by the respondent nos.1 to 4 while disbursing the DCRG, GPF, etc. were made prior to the said marriage, today, the wife alone is entitled to the amounts/ entitlements in question.

13. Mr. Kakkar, relying upon the entry of the wife's name in Inspector Tripathi's *E Bio-data* on the BSF Intranet Prahari Project, submitted that the wife being the official NOK of her husband, she alone is entitled to receive all benefits due to him at the time of/ after his death. Mr. Kakkar, then drawing our attention to the definition of 'family' as provided under *Rule 50(6)* read together with *Rule 51(1)(b)(i)* and *(ii)* of the CCS Pension Rules, submitted that the wife is entitled to receive the DCRG to the exclusion of the mother.

14. Mr. Kakkar, then relied upon the decision of a learned Single Judge of this Court in the case of **Ragesh Kumar v. National Commission for Schedule Castes**<sup>11</sup> wherein, while dealing with a case of nomination under the CCS Pension Rules made in favour of a minor brother by a deceased government servant, who later got married and then passed away, and referring to *Rule 53(4)* of the CCS Pension Rules, it has been held that since the fact of marriage, i.e. acquisition of family/ additional member in the family, is post the nomination, the wife would be entitled to receive the amounts therein under the laws of succession.

15. Mr. Kakkar then referred to the decision of a Coordinate Bench of this Court in the case of **Tripta Gupta v. Union of India**<sup>12</sup> wherein, while dealing with the nomination made by a deceased officer in favour of his

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<sup>11</sup> 2010 (119) DRJ 51

<sup>12</sup> 2022 SCC OnLine Del 1653



daughter from his first marriage, whereafter he married the petitioner/ second wife, who then, as his widow, applied for family pension, after referring to the decision of **Ragesh Kumar (supra)**, it has been reiterated that when a government servant marries/ acquires a family after making the nomination under the CCS Pension Rules, the said nomination would become invalid by virtue of *Rule 53(4)* of the CCS Pension Rules.

16. Based on the above, Mr. Kakkar reiterated that since the wife, whom Inspector Tripathi married after nominating his mother, is both the NOK as well as his legitimate heir in the eyes of law, and in view of *Rule 53(4)* of the CCS Pension Rules, the present writ petition should be allowed and all amounts due to Inspector Tripathi at the time of/ after his death should be directed to be paid to her to the exclusion of the mother.

**Submissions of Respondent Nos.1 to 4:**

17. *Per contra*, Mr. Ravi Prakash, learned senior counsel for the respondent nos.1 to 4 submitted that the claims made by the wife in the present petition are completely unfounded and unsustainable, and the approach adopted by the BSF cannot be faulted on any account, since every single disbursement has been made strictly in accordance with the respective applicable Rules.

18. To elucidate it, Mr. Prakash drew our attention to *Rule 50(1)(b)* read with *Rule 51(1)(a)* and *Rule 53(1)* of the CCS Pension Rules, as well as *Rule 2(c)* read with *Rule 5* and *Rule 33* of the GPF Rules to submit that since the nominations *qua* DCRG and GPF were made by Inspector Tripathi towards a member of his family, i.e. his mother, and the same were never altered/ changed/ cancelled by him even after his marriage, they remained absolutely valid and subsisting at the time of his death, and the



BSF was right to disburse the same in favour of the said nominee, i.e. the mother.

19. On the argument advanced on behalf of the wife *qua* the nomination becoming invalid after marriage, Mr. Prakash submitted that *Rule 53(4)* of the CCS Pension Rules cannot be given the interpretation as sought since the same is based on an utter misconstruction of the provisions of the said Rules. As per Mr. Prakash, the only circumstances which would render a nomination made by a Government servant invalid under the said Rules are either the contingencies provided by the Government servant himself/herself in the nomination so made, or the limited circumstance highlighted in *Rule 53(4)* of the CCS Pension Rules where either the Government servant had no family at the time of making the nomination or had only one family member at the time of making an alternate nomination in addition to his nominated family member and subsequently acquires a family, which is not the case herein.

20. To buttress his aforesaid submission, Mr. Prakash relied upon the recent decision of a learned Division Bench of the Bombay High Court in the case of *B. Suguna v. Bolla Malathi & Ors.*<sup>13</sup>, where on a simple construction of *Rule 5* of the GPF Rules, it was held that since the deceased officer therein did not choose to change his nominee from his mother to his wife after his marriage, the nomination in favour of the mother would subsist. Mr. Prakash then also relied upon the case of *Nihal Kaur and Anr. v. Union of India and Ors.*<sup>14</sup> where a learned Single Judge of the Punjab and Haryana High Court granted the DCRG to the mother of the deceased

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<sup>13</sup> 2025 SCC OnLine Bom 289

<sup>14</sup> 2016 SCC OnLine P&H 15316



officer therein on identical principles, i.e. since the nomination in favour of the mother, not suffering from any irregularity and not having been changed post the marriage of the said deceased officer, was valid and subsisting, and would be disbursed strictly as per the provisions of the *Rule 51(1)(a)* read with *Rule 53(1)* of the CCS Pension Rules.

21. With respect to the amounts payable under the GJSPKK, Mr. Prakash referring to the Circular dated 04.08.2017 issued by the Government of India, Ministry of Home Affairs, along with the associated Rules dated 01.09.2014, a translated copy whereof was handed over in Court, submitted that the same was also required to be disbursed strictly as per the nominations made by Inspector Tripathi. Since Inspector Tripathi, after his marriage, filled out the nomination form under the GJSPKK allocating 60% of the share thereunder to his wife and the balance 40% to his mother, the same has been disbursed by the BSF to both of them in the very same exact proportions as per his nomination.

22. Mr. Prakash lastly submitted that the reliance placed by the wife on her characterization as the NOK is misplaced, as also likely to cause undue confusion, as NOK merely refers to the remaining members of the family, and in fact has no associated definition/ rights under the relevant Rules. In other words, as per him the mother is also an NOK of Inspector Tripathi, and merely the fact that the wife's name was mentioned as the NOK in the *E Bio-data* would not render any special rights to her under any of the applicable Rules.

23. Based thereon, Mr. Prakash submitted that the BSF could not have acted in any other manner while disbursing all the various amounts, as also since the leave encashment as well as the family pension already stands





paid to the wife, nothing remains in the present petition and the same is liable to be dismissed.

**Analysis and Findings:**

24. We have heard both Mr. Ajay Kakkar, learned counsel for the petitioner as also Mr. Ravi Prakash, learned senior counsel for the respondents, and also carefully perused the facts and documents on record along with the case laws cited before us.

25. In the present writ petition we are to determine whether the mode of disbursement of various amounts/ entitlements of Inspector Tripathi adopted by the BSF, especially after his marriage to the wife, in view of the prior nomination(s) made by him in favour of his mother, was correct.

26. It is pertinent to note that the BSF, while undertaking the task of disbursement, is guided/ bound by the various Rules applicable to it *qua* the said amounts/ entitlements. With respect to the DCRG, the BSF follows the CCS Pension Rules, and as per the contentions raised by the learned counsels, the relevant provisions whereof are as under:-

**“50. Retirement/Death Gratuity**

*(1)(a) A Government servant, who has completed five years' qualifying service and has become eligible for service gratuity or pension under Rule 49, shall, on his retirement, be granted [retirement gratuity] equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16½ times the emoluments.*

**[(b) If a Government servant dies while in service, the death gratuity shall be paid to his family in the manner indicated in sub-rule (1) of Rule 51 at the rates given in the Table below, namely:-**

	*	*	*	*	*
(2)	*	*	*	*	*
(3)	Deleted				
(4)	Deleted				
(5)	*	*	*	*	*



(6) For the purposes of this rule and Rule 51, 52 and 53, 'family', in relation to a Government servant, means -

- (i) wife or wives including judicially separated wife or wives in the case of a male Government servant,
- (ii) husband, including judicially separated husband in the case of a female Government servant,
- (iii) sons including stepsons and adopted sons,
- (iv) unmarried daughters including stepdaughters and adopted daughters,
- (v) widowed daughters including stepdaughters and adopted daughters,
- (vi) father,
- (vii) mother,
- (viii) brothers below the age of eighteen years including stepbrothers,
- (ix) unmarried sisters and widowed sisters including stepsisters,
- (x) married daughters, and
- (xi) children of a pre-deceased son.

**51. Persons to whom gratuity is payable**

**(1)(a) The gratuity payable under Rule 50 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under Rule 53;**

**(b) If there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below-**

- (i) if there are one or more surviving members of the family as in [Clauses (i), (ii), (iii), (iv) and (v)] of sub-rule (6) of Rule 50, to all such members in equal shares;
- (ii) if there are no such surviving members of the family as in sub-clause (i) above, but there are one or more members as in [Clauses (vi), (vii), (viii), (ix), (x) and (xi)] of sub-rule (6) of Rule 50, to all such members in equal shares.

[xxx xxx xxx]

**53. Nominations**

**(1) A Government servant shall, on his initial confirmation in a service or post, make a nomination in Form 1, conferring on one or more persons the right to receive the retirement gratuity/death gratuity payable under Rule 50:**

*Provided that if at the time of making the nomination -*



(i) the Government servant has a family, the nomination shall not be in favour of any person or persons other than the members of his family; or

(ii) the Government servant has no family, the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.

(2) If a Government servant nominates more than one person under sub-rule (1), he shall specify in the nomination the amount of share payable to each of the nominees, in such manner as to cover the entire amount of gratuity.

(3) A Government servant may provide in the nomination –

(i) that in respect of any specified nominee who predeceases the Government servant, or who dies after the death of the Government servant but before receiving the payment of gratuity, the right conferred on that nominee shall pass to such other person as may be specified in the nomination;

Provided that if at the time of making the nomination the Government servant has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family;

Provided further that where a Government servant has only one member in his family, and a nomination has been made in his favour, it is open to the Government servant to nominate alternate nominee or nominees in favour of any person or a body of individuals, whether incorporated or not;

(ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(4) The nomination made by a Government servant who has no family at the time of making it, or the nomination made by a Government servant under the second proviso to Clause (i) of sub-rule (3) where he has only one member in his family shall become invalid in the event of the Government servant subsequently acquiring a family, or an additional member in the family, as the case may be.

(5) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the Head of Office:

Provided that he shall, along with such notice, send a fresh nomination made in accordance with this rule.

(6) \* \* \* \* \*

(7) \* \* \* \* \*

(8) \* \* \* \* \*

(emphasis supplied)



27. Thus, it entails from the above that the DCRG due to a Government servant like Inspector Tripathi who has attained the eligibility thereof, in the event of his death, is required to be paid to his family as per *Rule 51(1)*. A perusal of the said sub-rule reveals that the DCRG is meant to be paid to the person or persons on whom the right to receive the DCRG is conferred by means of a nomination under *Rule 53*. *Rule 51(1)(a)* further clarifies that if either there is no such nomination or, the nomination made does not subsist, then the provisions envisaged in *Rule 51(1)(b)* are to be read with the provisions envisaged in *Rule 50(6)* therein, and disbursement to family members takes place accordingly. Thus, in order to sustain the claims made by the wife, it must be proved that the present is either a case of no nomination, or of nomination subsequently becoming invalid. At the very outset, it is clear that we are not dealing with a case of no nomination, since Inspector Tripathi had duly nominated his mother. Therefore, we are to determine whether the nomination of his mother does not subsist anymore due to his subsequent marriage.

28. Incidentally, as per *Rule 53*, the nomination made by a Government servant on his initial confirmation in a service or post conferring on one or more persons the right to receive the DCRG is valid, provided that it is not made in favour of any person or persons other than the members of his family when he has a family at the time of making a nomination. Such a Government servant may also provide an alternate nominee in case the primary nominee predeceases him/ her, and the same, too, is subject to the very same sole condition that if at the time of making the nomination the Government servant has a family consisting of more than one member, the alternate nominee shall also not be a person other than a member of his



family. If the said condition is fulfilled, the alternate nomination too is valid.

29. On the other hand, if the Government servant has no family, the CCS Pension Rules provide for a procedure therein as well. Such a person, too, can make a valid nomination in terms of *Rule 53(1)(ii)*, in favour of any person or persons, or a body of individuals, whether incorporated or not. Similarly, if he has only one family member, he can make a valid alternate nomination in terms of *Rule 53(3)(i) Second Proviso*, also in favour of any person or persons, or a body of individuals, whether incorporated or not.

30. *Rule 53(4)* governs the above two limited scenarios, *firstly*, when the Government servant has no family but he still makes a nomination under *Rule 53(1)(ii)* thereof, and, *secondly*, if the Government servant has only one family member, but he still nominates an alternate nominee by way of *Rule 53(3)(i) Second Proviso* thereof. It is only then, i.e. when a rank outsider/ non-family member has been nominated either as the primary or as the alternate nominee, by reason of the Government servant having no family or only one family member, respectively, that by virtue of *Rule 53(4)*, the factum of subsequent acquisition of a family, or one more member in the family in addition to the previous sole member, respectively, would automatically render the nominations under *Rule 53(1)(ii)* or *Rule 53(3)(i) Second Proviso*, whichever is applicable, invalid.

31. Viewed in this light, since Inspector Tripathi made the nomination in favour of a member of his family, i.e. his mother, *Rule 53(4)* of the CCS Pension Rules cannot be applicable to the facts involved before us. In any event, Inspector Tripathi never provided any contingency at the time of nomination. Thus, we cannot hold the nomination made by Inspector



Tripathi in favour of his mother for the DCRG under *Rule 53* of the CCS Pension Rules to be invalid due to his subsequent marriage.

32. Same is the case *qua* the GPF, since the relevant provisions of the GPF Rules are *para materia* to those of the CCS Pension Rules. As per *Rule 2(c)* thereof “family” means the wife or wives, parents, children, minor brothers, unmarried sisters, deceased son's widow and children and where no parents of the subscriber is alive, a paternal grandparent for a male subscriber. Therefore, in the present case the mother, who is a nominee, is “family” within *Rule 2(c)* of the GPF Rules. Proceeding further, *Rule 5* of the said GPF Rules lays down that the subscriber shall confer the right to receive the amount standing to his credit in the event on his death, *albeit* only to “a member/ members of his family”, provided that he has a family at the time of making the nomination. Further, *Rule 5(5) proviso* thereof reads as under:-

“Provided that if at the time of making the nomination the subscriber has only one member of the family, he shall provide in the nomination that the right conferred upon the alternate nominee under Clause (a) shall become invalid in the event of his subsequently acquiring other member or members in his family.”

(emphasis supplied)

33. Clearly, *Rule 5(5) proviso* above solely applies in cases where a rank outsider/ non-family member has been chosen as the alternate nominee due to the subscriber only having one family member.

34. *Rule 33(i)(a)* of the GPF Rules confers the right to receive the GPF amount on the member(s) of family on whom the right has been conferred under *Rule 5* thereof.

35. Applying the above, *admittedly*, since Inspector Tripathi had never provided any contingencies *qua* the nomination of his mother, the same has



to be taken as final and binding. In any event, since the said nomination of his mother is in accordance with the provisions of the GPF Rules, and the same being *de hors* his subsequent marriage to his wife, it had not/ could not have become invalid on his demise.

36. Inspector Tripathi has filled out the GJSPKK only subsequent to his marriage clearly listing out the shares in which the amounts shall be payable to the wife and the mother respectively. That being the position, there can hardly be any occasion for us to revisit the said nomination, especially, whence the Circular and applicable Rules do not provide for any such reassessment.

37. It is, thus, clear from the above that though Inspector Tripathi always had the option of altering/ changing/ incorporating his nomination at any stage, even after his marriage, he neither did choose to exercise the said option nor did he provide any contingencies in his nomination. Therefore, it would not render the nomination in favour of his mother invalid. In this regard, we find able support by the learned Division Bench of the Bombay High Court in **B. Suguna (supra)** wherein it has been held as under:-

*“12. Rule 33(i)(a) of the said Rules also operates clearly in favour of the Petitioner, she being a valid sole nominee. The provision of distributing the GPF amount into shares, as contemplated under Rule 33(i)(b) will not come into play. Since the Deceased has left behind family, the situation provided in Rule 33(ii) also will not apply; but assuming that Rule 33(ii) is to be applied, in our view, it will operate in favour of the Petitioner, she being a valid sole nominee”*

38. In fact, the Punjab and Haryana High Court in **Nihal Kaur (supra)**, while considering the same, has also held as under:-

*“6. It is undisputed that deceased Constable nominated second petitioner as nominee for the purpose of financial benefits. Even though fourth respondent was married in the year 2009 to the deceased Constable,*



*whereas till his death, he did not change the nomination from the second Petitioner to the fourth respondent. \* \* \**

*7. In view of the above provision of law as well as entitlement of various benefits, second petitioner is entitled for Central Government Employees Group Insurance Scheme, DCRG. Fourth respondent is entitled for leave encashment and insofar as Seema Prahari Beema Yojana (LIC) would be granted subject to production of succession certificate by the legal heir. In view of the stand taken by the respondents with reference to the Rules, the monetary benefits should be disbursed to the respective parties and in accordance with law. \* \* \**

39. The judgements cited by learned counsel for the wife, i.e. **Ragesh Kumar** (*supra*) and **Tripta Gupta** (*supra*) are not applicable to the facts of the present case, since in **Ragesh Gupta** (*supra*), the first nomination made by the deceased Government servant was never submitted to the Head Officer and hence there was no legally valid nomination in the first place, and in **Tripta Gupta** (*supra*), which has been passed considering **G.L. Bhatia v. Union of India**<sup>15</sup> wherein, too, the Hon'ble Supreme Court was dealing with a claim made by a widow with respect to family pension, the governing Rule was different, as the family pension is statutorily payable to the widow. Here, we are dealing valid nominations *qua* the DCRG, GPF, etc. in the context of the respective Rules governing the same.

**Conclusion:**

40. In view thereof, and since it is an admitted position that Inspector Tripathi made the nominations for DCRG and GPF in favour of his mother, who was “family” within the respective relevant Rules, without any new/fresh nominations subsequent to his marriage, we find no fault in the BSF making the respective disbursements in favour of Inspector Tripathi's mother as per the nominations made by him.

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<sup>15</sup> Civil Appeal No.2458/1999





41. Similarly, since it is also an admitted position that the family pension and other amounts payable to the wife of Inspector Tripathi have already been paid to her, there is no order required *qua* the same.

42. Lastly, we cannot forget that we, being a writ Court, and not a civil Court, are not dealing with the rights of the parties under the law of succession, and are broadly confined to the correctness of the process/ procedure followed by the BSF, as to whether the same is in accordance with law, and not violative of any existing statutes/ stipulations/ rules/ regulations/ guidelines or like, and following the principles of natural justice. In effect, the scope of interference by us is extremely limited.

43. Accordingly, the present petition along with pending applications, if any, is dismissed.

44. No order as to costs.

45. Before parting, we make it clear that we have not expressed any views upon the entitlement of any party to any amount(s) under the governing laws of succession of any legal heirs of Inspector Tripathi, and the parties shall be free to initiate steps in accordance with law, if, as and when required.

**SAURABH BANERJEE, J.**

**SUBRAMONIUM PRASAD, J.**

**SEPTEMBER 12, 2025/Ab**