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

\+ W.P.(C) 6322/2022 and CM APPL. 19051/2022

SANTOSH DEVI .....Petitioner

Through: Mr. Nikhil Bhardwaj, Advocate

versus

UNION OF INDIA .....Respondent

Through: Mr. Vijay Joshi, Advocate, CGSC, Mr. Shubham Chaturvedi, Advocate along with Mr. DC Shri Dinesh M and inspector Prahlad Devendra

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% 09.10.2025

C. HARI SHANKAR, J.

1. Dalbir Singh, who was working as a Sub Inspector with the CISF[1], married Promila Devi. Shantanu, their son, was born on 2 April 1999. Promila Devi died on 7 September 2000.

2. After Promila Devi died, Dalbir Singh married Petitioner 1 Santosh Devi on 15 June 2001. From their marriage, two children were born.

3. Dalbir Singh passed away in harness on 30 October 2020. Thereafter, the respondent started paying family pension on the basis

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of the pensionary benefits of Dalbir Singh, half to Petitioner 1 and half to Shantanu.

4. Shantanu joined the services of the CISF in October 2022.

5. By operation of the proviso to Rule 54(7)(b)[2] of CCS (Pension) Rules 1972, 50% pensionary benefits which were being earlier paid to Shantanu would become payable to the petitioner.

6. Mr. Bhardwaj, learned counsel for the petitioner, on instructions, therefore, restricts his claim to payment, to his client, of the entire family pension consequent on the death of Dalbir Singh with effect from October 2022.

7. Mr. Vijay Joshi, learned CGSC, on instructions, acknowledges Petitioner 1's right in this regard.

8. Accordingly, we dispose of this writ petition with a direction to the respondents to disburse, to Petitioner 1, the family pension, consequent on the demise of Dalbir Singh with effect from October 2022.

9. Needless to say, henceforth the entire family pension would be payable to Petitioner 1.

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[1] Central Industrial Security Force

[2] 54(7)(b)- Where the deceased Government servant or pensioner is survived by a widow but has left behind eligible child or children from another wife who is not alive, the eligible child or children shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the Government servant or pensioner.

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10. Mr. Bhardwaj, learned counsel for the petitioner, also presses for interest on the said amount.

11. We are not inclined to grant any interest in view of the fact that the petitioners had moved this Court claiming that the three petitioners and Shantanu were each entitled to 25% of the pensionary benefits consequent on the death of Dalbir Singh, and never amended the said petition. It is only at this stage that the nature of claim has changed, and Petitioner 1, albeit rightfully, claims the entire family pension.

12. Let the arrears of family pension be disbursed to Petitioner 1, within a period of twelve weeks from today, failing which they shall carry interest at the rate of 9% p.a. till the date of disbursement.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

OCTOBER 9, 2025/yg

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