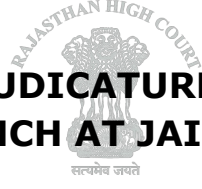




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 11045/2022

Smt Santosh Pareek Wife Of Dr. Hari Mohan Sharma, Aged About 68 Years, Residing At Jaipur (Rajasthan) House No. 4 H 312, Indira Gandhi Nagar, Jagatpura, Jaipur - 302019.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Medical And Health (Collegiate Branch) Secretariat, Raj Path, Jaipur - 302005.
2. Director, Pension And Pensioners Welfare Department, Jyoti Nagar, Jaipur.
3. Additional Director, Pension And Pensioners Welfare Deptt., Regional Office, Kota - 324005.
4. Principal Medical College, Rangwari Road, Sector-A, Ranwari, Kota - 324005.
5. Dr. Hari Mohan Sharma, 1 M 24 Vigyan Nagar, Near Police Station, Kota - 324005.

-----Respondents

For Petitioner(s) : Mr. Sunil Samdaria
Mr. Arihant Samdaria
For Respondent(s) : Mr. Archit Bohra, AGC with
Ms. Sweekriti Sharma

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

30/01/2026

1. The instant writ petition has been filed by the petitioner, who is the wife of respondent No. 5, Dr. Hari Mohan Sharma, seeking appropriate directions with regard to inclusion of her name in the Pension Payment Order (PPO) for the purpose of family pension with following prayer:
(i) by issuing an appropriate writ, order or direction it may declared that be the



act of respondent no.5 not named her in his is PPO as wife (family) against the Rules, 1996 and for the same appropriately he may be punished in terms as the Hon'ble Court may deem fit and proper in the facts of the case.

(ii) by issuing an appropriate writ, order or direction the respondents be directed correct the PPO No.772277 (R) of the respondent no.5 and entered therein the name to of the petitioner his family and determine the amount of the family pension as per the Rules, 1996.

(iii) by issuing an appropriate writ, order or direction the act respondent no.5 to of refuse the notices of the petitioner and of the respondents Nos. 1 to 4 not to take any action on her notices be declared illegal, arbitrary and against the basic principle of natural justice and appropriate action directed to be taken against them by the respondent no.1.

iv) or any other relief may be granted which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

(v) the costs of the writ petition may kindly be ordered against the respondents nos. 1 to 4 and Special Costs against respondent no.5.

2. The case of the petitioner is that her marriage with respondent No. 5 was solemnized on 11.06.1978 and, out of the said wedlock, she gave birth to a daughter on 13.07.1979. It is further stated that matrimonial disputes





arose between the parties, resulting in multiple matrimonial proceedings. Respondent No. 5 had instituted proceedings seeking dissolution of marriage (divorce); however, the said proceedings were dismissed and the dismissal was upheld up to the Hon'ble Supreme Court of India.

3. Respondent No. 5 was serving as Professor, ENT Department, Government Medical College, Kota, and retired from service on 30.09.2014. Since his retirement, he has been receiving pension under the applicable Pension Rules. The grievance of the petitioner is that respondent No. 5 has not mentioned her name as nominee to receive family pension under the Rules along with other post-retiral benefits. Just to include name in the pension payment order, present writ petition has been preferred before this Court.
4. Learned counsel for petitioner submitted that petitioner is the legally wedded wife of respondent No. 5, Dr. Hari Mohan Sharma, and she has every right to claim nomination as a wife and she is entitled as a family member, as in the definition of "family" provided under the Pension Rules, 1996. He further submitted that respondent No. 5 has not included the name of petitioner as nominee to receive family pension after the death of respondent No. 5. He referred to the relevant provisions of the Rules and the rights of a wife and further submitted that necessary entries are required to be made in the PPO (Pension Payment Order), issued by respondent Nos. 1 to 4. He sought writ against respondents No. 1 to 4 to include name of petitioner as the person to receive family pension.





5. Aforesaid contentions were opposed by learned counsel appearing on behalf of respondent Nos. 1 to 4, who submitted that respondent No. 5 is alive and, till he is alive, petitioner has no right to claim inclusion of her name as nominee of respondent No. 5. He further submitted that the writ petition has been filed prematurely before this Hon'ble Court and the same is not maintainable.

6. Heard learned counsel for the parties and perused the material placed on record.

7. Admittedly, respondent No. 5 is alive on the date of filing of the writ petition and respondent No. 5 has not named petitioner as nominee to receive any part of his service benefits, including family pension. Rule 62 of the Rajasthan Civil Services (Pension) Rules, 1996 provides for pension, whereas Rule 66 provides the definition of family and includes wife in the case of a male Government servant. Respondent No. 5 is alive and currently receiving pension after superannuation, under the rules.

8. The issue is whether petitioner has a right to claim nomination in the PPO (Pension Payment Order) as a wife, particularly when respondent No. 5 is alive. A pension is self-acquired (self-earned property), being a benefit earned by an individual through his personal employment, service and contributions. Such self-acquired property can be transferred by a person, who has acquired the same during his lifetime.

9. The petitioner has no right to claim that her name be included in the PPO as nominee so that she may receive family pension after the death of respondent No. 5. The writ





petition has been filed prematurely and the same is not maintainable, so long as respondent No.5 is alive. As and when the issue regarding family pension arises, petitioner may raise her claim and file appropriate proceedings in accordance with law, but not at this stage when respondent No. 5 is alive, therefore, the writ petition is liable to be dismissed.

10. Accordingly, the writ petition is hereby dismissed.
11. Miscellaneous application(s), if any, also stand disposed of.
12. No order as to costs.

(ASHOK KUMAR JAIN),J

44/PREETI VALECHA

