

504

C.W.P. No. 15684 of 2005

Asha Dhawan etc.

vs.

The State of Punjab etc.

Present: None for the petitioners

Mr. Rajat Bansal, AAG Punjab

Mr. Om Parkash Garg, Superintendent, Pension Section
O/o Chief Engineer, Punjab Irrigation Department

Mr. Girish Kumar, Clerk
O/o Director Hydel Design Organisation, Punjab

Respondent No.5(i)-in person with
Mr. K.K.Saini, Advocate for
respondent Nos.5(i) to 5(vii)

* * * *

Petitioner No. 1-Smt. Asha Dhawan wd/o Late Sh.Avinash Chander and petitioner No.2-Sh. Anil Dhawan s/o Late Sh. Avinash Chander had filed this writ petition for release of certain retiral benefits of deceased-Sh. Avinash Chander. Most of the retiral benefits of deceased-Sh. Avinash Chander had been released to the petitioners. The dispute herein is only regarding two amounts of ₹40,993/- and ₹72,750/- lying with respondent-Department and further another sum of ₹10,000/- towards DLI (deposit linked insurance) totalling ₹1,23,743/-. The reason given for retaining this amount with the respondent is that the mother of deceased-Smt.Parmeshwari Devi raised a dispute with the Department that she had a share in the aforesaid amount. Since undisputedly the amount had to be disbursed to the heirs of deceased and there was some dispute whether Smt.Parmeshwari Devi would be treated as heir of

deceased-Avinash Chander, the amount was not released to anybody.

During the pendency of the present writ petition Smt.Parmeshwari Devi died and her seven heirs namely Sh. Bihari Lal, Sh. Dharam Pal, Sh. Sohan Lal, Smt. Parkash Devi, Smt. Kailash Bhora, Smt. Usha Rani and Smt. Santosh Gill have been brought on record.

After discussing the case it transpires that even if Smt.Parmeshwari Devi was to be treated as heir even her legal representatives will get only 1/3rd of the aforesaid amount and 2/3rd would go to the petitioners. On the last date of hearing petitioner No.2-Anil Dhawan s/o deceased-Avinash Chander made a statement that only for the purpose of compromise in this case and it has been made clear that this statement cannot be used for any other purpose by anybody to the effect that 2/3rd of the aforesaid amount be released to him and his mother and balance 1/3rd may be disbursed by the Department to the heirs of Smt. Parmeshwari Devi. This was agreed to by petitioner No.1-Asha Dhawan. Petitioner No.2-Anil Dhawan had made a statement that the entire amount falling to their share may be paid to his mother petitioner No.1-Asha Dhawan.

Today learned counsel for legal representatives of Smt.Parmeshwari Devi had made a statement on the instructions of one of the legal representatives Sh. Bihari Lal, who is present in Court, that he also accepts the statements of Petitioner No. 1-Smt.Asha Dhawan and petitioner No.2-Sh. Anil Dhawan and the

aforesaid amount may be disbursed by the Department accordingly. He has further made a statement that 1/3rd share which is falling to the seven legal representatives of Smt.Parmeshwari Devi may be disbursed to Sh. Bihari Lal s/o Late Sh. Bhagat Ram and Sh. Bihari Lal would be responsible to disburse the same to the other legal representatives.

In view of statement of petitioners No.1, 2 and counsel for legal representatives of Smt. Parmeshwari Devi and also Sh. Bihari Lal-respondent No. 5(i) (one of the legal representatives of Smt.Parmeshwari Devi), we dispose of this writ petition by directing that let respondent-Department disburse 2/3rd of the aforesaid amount to Petitioner No. 1-Smt. Asha Dhawan w/o Late Sh. Avinash Chander and the amount may be transferred in her account. Mr. Om Parkash Garg, Superintendent, representative of the Department has stated that they have got the bank account No. etc. of Smt. Asha Dhawan.

Similarly, let 1/3rd of the aforesaid amount be transferred by the Department in the account of Sh. Bihari Lal, particulars of which are given below:

“Sh. Bihari Lal s/o Late Sh. Bhagat Ram

State Bank of Patiala, Sector 35-D, Chandigarh

Account No. 65007106949

IFS Code No. STBP0000215”

This may be done within a period of 1½ months failing which the amounts would carry 9% interest p.a. from today.

The writ petition is disposed of accordingly.

Copy of the order and statements be supplied/sent to the
counsel/parties and file be returned to the High Court.

(R.S.MONGIA)
PRESIDENT

28.04.2015
Janki

(R.K.NEHRU)
MEMBER