

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No. 10411 of 2013(O&M)

Date of decision: 14.12.2015.

Central Bureau of Investigation and another

...Petitioners

Versus

Varinder Kaur and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.JEYAPPAUL.
HON'BLE MR. JUSTICE DASRHSAN SINGH.**

Present: Mr.S.Sandhu, Advocate
for the petitioners.

Mr. Manu K. Bhandari, Advocate
for respondent.

Mr. G.S.Bains, Advocate
for Mr. Vijay Sharma, Advocate
for respondent no.4.

None for respondent no.6.

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M.JEYAPPAUL, J.

Baljinder Singh, the husband of the 4th respondent herein, died in harness when he was serving as Constable with the writ petitioner. Baljinder Singh had three children through his wife Gurmeet Kaur, who had passed away. Children born through Gurmeet Kaur filed Original Application before the Tribunal seeking direction to release the pensionary benefits to them as well as to the 4th respondent Sukhjit Kaur, who was the second wife of Baljinder Singh as per Section 8 of the Hindu Succession Act, 1956.

The Tribunal directed disbursement of the pensionary benefits

in equal share finding that the respondents herein are all legal heirs of Baljinder Singh Class-I category.

The Central Bureau of Investigation aggrieved by the above direction against Rule 54 (7) (b) Central Civil Services (Pension) Rules, 1972, which contemplates payment of pensionary benefits in equal share to the widows and on death of one of the widows', her share to the children born to her, filed the present writ petition.

We directed the writ petitioners to release the arrears of family pension to respondents no.1 to 4 in accordance with the above pension Rules with interest at the rate of 7 % per annum from 07.01.2012 to 14.05.2013 as we found during previous hearing that as per Rule 54 (7) (b) Central Civil Services (Pension) Rules, 1972, where the deceased Government Servant is survived by a widow, but has left behind eligible children from another wife who is not alive, the eligible children shall be entitled to the share of family pension which the mother would have received, had she been alive, at the time of death of Government Servant.

In-accordance with the above directions, it is informed that pension payment order has already been issued the interest thereon as directed by us was credited to the account of the legal heirs. Therefore, the writ petition in our view, has become infructuous and is disposed of accordingly.

It is brought to our notice by the learned counsel appearing for the respondents no.1 to 3 that we originally issued a positive direction to the writ petitioners to give compassionate appointment to the 2 respondent and thereafter, on the basis of the statement made by learned counsel for the writ petitioner, we directed the CBI to consider the appointment of the 2nd respondent on compassionate grounds. The fact remains that the writ

petitioner considered the claim for compassionate appointment made by the 2nd respondent herein in the meeting that was held by the petitioner in the month of June 2015 and chose not to accept his claim for the present as more deserving candidates had competed for the compassionate appointment along with 2nd respondent.

In view of the above developments, liberty is given to the respondents to approach the learned Tribunal to agitate over the claim for compassionate appointment to the eligible legal heir of the deceased Baljinder Singh.

(M. JEYAPPAUL)
JUDGE

December 14,2015
s.khan

(DASRHSAN SINGH)
JUDGE