

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP no. 11410 of 2014(O&M)

Date of Decision : 15.12.2015

Ramesh Chander Sehgal

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr.Ashwani Talwar, Advocate
with Ms. Sanamjeet Kaur, Advocate for the petitioner

Mr. Ashok S Chaudhary, Addl. AG, Haryana

MAHESH GROVER, J.

The petitioner prays for release of amount of account of medical reimbursement of his deceased father who was the employee of the respondents – Department. The deceased died leaving behind Will which has been acted upon. There are two other legal representatives of the deceased other than the petitioner who have furnished a no objection to the amount being released to the petitioner.

The respondents have withheld the amount from the petitioner on the ground that the succession certificate is required. On a specific query of this Court, an affidavit has been filed stating that in no other case known to them has

been succession certificate insisted upon. Alongwith this affidavit is appended

Annexure R- I wherein it has been detailed as to how the matter is to be processed where there is an ambiguity or lack of verification of a claim. A perusal of the said Annexure reveals that the respondents are entitled to insist upon an indemnity bond and any other material which would verify the claim but succession certificate is certainly not one of the requirements.

Learned counsel for the petitioner contends that he has already submitted a copy of the Will which has been acted upon alongwith no objection certificate issued by the two other legal representatives besides having executed an indemnity bond.

If that be so, then I am of the view that even though the respondents were justified in insisting upon verification but they cannot keep the benefit away from the petitioner for all times to come by insisting on something which is not envisaged in their own instructions. Indemnity bond is a sufficient guarantee to safeguard the respondents in the event of claim being found false. Besides other claimants have already executed affidavits in favour of the petitioner with a no objection to the release of the amount. In the considered view of this Court there is sufficient safeguard against a mis-represented claim. Consequently, petition is accepted with a direction to the respondents to release the amount on account of medical reimbursement of the father of the petitioner to the petitioner ensuring that the Will with no objection certificates of other legal representatives and indemnity bonds are duly executed so as to obviate the chances of any

misrepresentation by any of the legal representatives of the deceased.

Let needful be done as expeditiously as possible preferably within a period of four months from the date of receipt of certified copy of this order.

Respondents are burdened with costs of Rs.5,000/- which shall be compensatory to the petitioner.

December 15, 2015
rekha

(MAHESH GROVER)
JUDGE