

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CWP No. 17706 of 2012 (O&M)

Date of Decision: 16.02.2015.

Sultan Singh

--Petitioner

Versus

State of Haryana & another

--Respondents

**CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.**

Present:- Mr. Somesh Gupta, Advocate for the petitioner.

Mr. D.S. Nalwa, Addl. A.G., Haryana.

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**TEJINDER SINGH DHINDSA.J**

As per pleadings on record, Sh. Bachna Ram son of Sh. Jita Ram was working as a Senior Peon in the Haryana Civil Secretariat and died in harness on 3.11.2008. The present petitioner namely Sultan Singh claims himself to be the adopted son of Sh. Bachna Ram on the basis of Will dated 5.10.2008 (Annexure P-1).

Claim in the instant writ petition is for release of the admissible retiral benefits towards deceased Bachna Ram in the capacity of being the legal heir and adopted son.

During the course of arguments, learned counsel appearing for the petitioner would advert to a Succession Certificate dated 17.1.2011, issued by the learned Additional Civil Judge (Sr. Divn.), Mohali at Annexure P-5.

Upon notice of motion having been issued, a joint written statement has been filed on behalf of the respondents and the claim of the petitioner has been resisted broadly by stating that the petitioner has failed to submit any document showing that he was legally adopted by Sh. Bachna

Ram prior to his demise.

Be that as it may, the validity and veracity of the Succession Certificate dated 17.1.2011 has not been put to issue.

It has also gone uncontroverted that the petitioner has already been released certain admissible retiral benefits in the nature of G.P.F, leave encashment, arrears of pay and G.I.S etc.

Learned State counsel, who is being instructed by Sh. Neeraj Kumar, Assistant, has been unable to justify such strange course of action, whereby on the one hand it is being sought to be contended that the petitioner was not the legally adopted son of Bachna Ram and on the other hand retiral benefits as regards G.P.F., leave encashment, arrears of pay and G.I.S etc. already stand released. The only inference that can be drawn is that the respondent authorities have accepted the Succession Certificate dated 17.1.2011 at Annexure P-5 in favour of the petitioner.

As such, there would be no basis for the respondent authorities to withhold the benefit of D.C.R.G from the petitioner. Action of the respondent authorities in not releasing the amount payable towards D.C.R.G to the petitioner, is held to be totally arbitrary and bad in law.

Accordingly, the present writ petition is allowed. Respondent authorities are directed to release to the petitioner the requisite amount of D.C.R.G by treating the petitioner to be the legal heir of deceased Bachna Ram and such amount be released expeditiously and in any case within a period of six weeks from today failing which such amount would carry interest @ 8% per annum.

Before parting with this order, it would be apposite to notice that during the course of arguments, learned counsel for the petitioner has

given up his claim as regards ex-gratia financial assistance under the Haryana Compassionate Assistance to Dependents of Deceased Govt. Employees Rules, 2006.

Writ petition is allowed in the aforesaid terms.

**(TEJINDER SINGH DHINDSA)**  
**JUDGE**

**February 16, 2015.**  
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