

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

CWP No. 6190 of 2013 (O&M)

DATE OF DECISION : 01.09.2015

Lajwanti Devi

.... PETITIONER

Versus

Union of India and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. Akshay Bhan, Senior Advocate, with
Mr. Parveen Kumar Garg, Advocate,
for the petitioner.

Mr. Amit Arora, Advocate,
for respondents No.1 and 2.

Mr. Krishan Sehajpal, Advocate, with
respondents No.3 and 4 in person.

* * *

SATISH KUMAR MITTAL, J. (Oral)

Lajwanti Devi (mother of the deceased employee) has filed the instant writ petition challenging the letter dated 20.02.2013 (Annexure P-4) written by the Department of Posts, whereby her representation claiming service benefits of her deceased son was rejected on the ground that under the Central Civil Services (Pension) Rules, 1972, the mother has no priority to claim the service benefits over the minor daughter of the deceased employee.

During the pendency of this petition, the other issues with

regard to property left by the deceased also came up for consideration. On 07.05.2015, the matter was referred to the Mediation and Conciliation Centre of this court for amicable settlement between the parties. Before the Mediation and Conciliation Centre, the parties arrived at a compromise. Accordingly, the matter was sent back to this court along with the settlement/agreement arrived at between the parties on 22.07.2015, for appropriate orders.

Today, Certificate of learned counsel appearing on behalf of minor daughter of the deceased (respondent No.4) as well as affidavit dated 01.09.2015 duly sworn by the guardian (respondent No.4) of the minor daughter have been filed in court, wherein it has been stated that the aforesaid compromise entered into on behalf of the minor daughter of the deceased is in the interest and welfare of the minor.

Under the aforesaid compromise, all the matters, except the gratuity and pensionary benefits of the deceased employee, have been settled. In one of the clauses of the compromise, it has been stated that the petitioner will be entitled for the said benefit as per the Departmental Rules or as granted by this court in the present case.

Today, in the court proceedings, learned counsel for the petitioner, on instructions from the petitioner, states that the petitioner will accept 1/3 of the amount of gratuity and pensionary benefits of her deceased son being dependent on him; and the remaining 2/3 amount should be given

to respondent No. 4 - the minor daughter of the deceased employee. This settlement has also been agreed by respondent No. 3 – guardian of the minor, who is present in the court, as well as by learned counsel appearing on behalf of respondent No.4 – minor.

Accordingly, this petition is disposed of in terms of the aforesaid compromise arrived at between the parties on 22.07.2015, and further settlement that the petitioner shall be entitled to 1/3 of the amount of gratuity and pensionary benefits of her deceased son being dependent on him; and the remaining 2/3 amount shall be paid to respondent No. 4.

(SATISH KUMAR MITTAL)
JUDGE

September 01, 2015
ndj

(MAHAVIR S. CHAUHAN)
JUDGE