

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

(1) RSA No.4915 of 2009 (O&M)

Rohit Kumar

..... Appellant

Vs.

State of Rajasthan and others

..... Respondents

(2) RSA No.5274 of 2012 (O&M)

Sadhana Kumari

..... Appellant

Vs.

State of Rajasthan and others

..... Respondents

(3) RSA No.5287 of 2012 (O&M)

Sadhana Kumari

..... Appellant

Vs.

Masanti Devi and others

..... Respondents

Date of Decision: 16.02.2015

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Ashok Sharma Nabhewala, Advocate for the appellant(s).

Mr. Amar Vivek, Advocate and
Ms. Sonia Sharma, Advocate
for the official respondents/State of Rajasthan.

JASWANT SINGH, J. (ORAL)

All the aforesaid three appeals are being disposed of by this common order since the dispute is between the family members of deceased Vikram Singh and by a written agreement dated 08.09.2014, the parties have decided to settle

their entire claims.

Plaintiff- Rohit Kumar is seeking compassionate appointment in the light of the death of his father-Vikram Singh, while working as Peon with official respondent Nos.1 to 3, in terms of Rule 5 of the Rajasthan Deceased Government Employees Dependents Compassionate Appointment Rules, 1996 (for short "Rules, 1996).

The undisputed facts are that deceased-Vikram Singh during the presence of his first legally wedded wife-Masanti Devi is alleged to have solemnized his second marriage with one Sadhana Kumari, from which union, plaintiff-Rohit Kumar and his elder brother-Parveen Kumar were born. Since no retiral benefit was released to Sadhana Kumari, she filed a Civil Suit No.1987 dated 05.05.2005/31.07.2006 and her son-Rohit Kumar filed another Civil Suit No.2764 of 2006 seeking compassionate appointment.

The present aforesaid three appeals arise out of the decisions in the aforesaid two suits.

During the course of earlier joint hearings of the said appeals, this Court, vide order dated 04.08.2014 had referred the matter to the Mediation and Conciliation Centre of this Court. The parties arrived at a full and final settlement vide written agreement dated 08.09.2014 before the Mediator of this Court. The relevant Para 6 reads as under:-

“ 6. a) It has been agreed between the parties that Smt. Masanti Devi relinquishes her right and has no objection if the compassionate appointment is given to Rohit Kumar by the third party. The appointment shall be given by the third party to Rohit Kumar as per Rules before 01.01.2015.

b) It has been agreed between the parties that Smt. Sadhna Kumari

and family shall have no objection if the pensionary benefits as well as the arrears to the extent of 1/4th are released to Smt. Masanti Devi by the third party, which shall be released by third party in favour of second party on or before 01.01.2015. The parties shall abide by the directions, if any, of the Hon'ble High Court in the matter of interest.

- c) It has been agreed between the parties that Sh. Rohit Kumar shall be liable to provide residence to his mother Smt. Sadhna Kumari and upkeep of his mother Smt. Sadhna Kumari. Further, 50% of the salary of Rohit Kumar shall be released in the account of Smt. Sadhna Kumari every month by the third party.*
- d) It has been agreed between the parties that there is a immovable land of late Sh. Vikram Singh in Uttarakhand. Smt. Masanti Devi has no objection if half share of that land is transferred in the name of Rohit Kumar and Parveen Kumar son of late Sh. Vikram Singh. It has been further agreed that the first party shall get the registry of the land done, if desired and all expenses regarding the same shall be borne by the first party.*
- e) It has been further agreed between the parties that all the parties shall make a joint request to the Hon'ble Court requesting for disposal of/decision of present appeals in terms of the present settlement and to make the terms and conditions part of the decree. ”*

Before the appointment to Shri Rohit Kumar could be issued, he unfortunately died on 16.01.2015 and vide order dated 12.02.2015, passed in **C.M. No.1360-C of 2015 in RSA No.4915 of 2009**, LR's were impleaded i.e. his mother-Smt. Sadhna Kumari and brother-Parveen Kumar.

At the time of hearing today, learned Counsel for the parties are agreed that all the aforesaid three appeals be disposed of in terms of the aforesaid Clauses (a) to (d) of Para 6 of the written agreement dated 08.09.2014 with the modification that in place of Rohit Kumar, his brother-Parveen Kumar shall be

considered for appointment and his name substituted qua obligations as well.

In view of the aforesaid agreed stand, all the three appeals are disposed of in terms of Clauses (a) to (d) of Para 6 of the written agreement dated 08.09.2014 with the modification that in place of Rohit Kumar, the name of his brother-Parveen Kumar shall be deemed to be substituted. It is further directed that in the event of the said Parveen Kumar fulfilling all the required formalities within five weeks from today, the Authorities concerned shall take the required action within next eight weeks in accordance with law keeping in view the spirit of the agreement. It is further directed that the arrears of the retrial benefits to be released to Smt. Masanti Devi in terms of Clause 6 (b) of the aforesaid agreement dated 08.09.2014, interest at the rate of 7.5% per annum on such arrears from the date of accrual till the date of payment shall also be paid to her. Parties shall be bound by their respective stands.

Disposed of in the above terms.

February 16, 2015
Gagan

(JASWANT SINGH)
JUDGE