

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

**RSA No.2252 of 2013 (O&M)
Date of Decision: August 20, 2015**

Mishro Devi

.... Appellant

vs.

Chandni Devi and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Rajan Bansal, Advocate for the appellant.

None for respondent Nos.1 and 2.

Mr. T.N. Sarup, Addl. Advocate General, Punjab
for the State-respondent Nos.3 to 5.

- 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?*

Kuldip Singh J.(Oral)

The appellant (defendant No.4 before the lower court) has filed this appeal against the judgment and decree dated 01.02.2013 passed by learned Addl. District Judge, Bathinda, modifying that of learned Civil Judge (Jr. Divn.), Bathinda, dated 05.01.2011, whereby it was held that the plaintiffs-respondents were not entitled to get any share out of G.P.F. amount of ₹95,948/-. However, they were held entitled to get 1/4th share each from the death gratuity amount of ₹2,54,155/- of deceased Gollu Ram.

The facts of the case are that Gollu Ram was working as Peon in the office of Divisional Soil Conservation Officer, Bathinda (defendant No.2 before the lower court). He expired on 10.01.2005.

Thereafter, dispute arose between the parents of the deceased, namely Chandni Devi and Bansi Ram on one side and Mishro Devi (widow of the deceased) on the other side regarding the claim of pensionary benefits of the deceased.

Learned Civil Judge (Jr. Divn.), Bathinda in a suit filed by the parents held that the plaintiffs-parents are entitled to equal share in the amount of gratuity, provident fund and pensionary benefits of deceased Gollu Ram. It was further directed that since all the benefits have been received by defendant No.4, widow of the deceased, defendant No.4 was directed to repay 2/3rd of the said amount to the plaintiffs. Defendant No.4 went in appeal, whereby her appeal was allowed regarding the other pensionary benefits but regarding GPF, the plaintiffs-parents were directed to get 1/4th share each from the death gratuity amounting to ₹2,54,155/-.

I have heard learned counsel for the appellants as well as learned counsel for the State and have also carefully gone through the case file.

None has appeared for the plaintiffs-respondent Nos.1 and 2.

Learned counsel for the appellant has referred to Rule 6.16 AA(1)(2) read with Rule 6.16 B of the Punjab Civil Services Rules (Vol.II) to press that in the presence of widow of the deceased, the parents of the deceased are not entitled to the death gratuity. Further reliance has been placed upon the law laid down by this Court in ***“Lachhmi Devi vs General Public”, 2001(6) SLR 17*** as

well as “*Chander Kanta vs Monika*”, 2000(6) SLR 243, wherein regarding death gratuity, it was held that only widow is entitled to the said benefit and the mother of the deceased is not entitled to the same. It was further held that the provisions of Hindu Succession Act are not applicable in such case.

In the absence of any authority to the contrary being produced before this Court and in view of the Rule (*ibid*) and keeping in view the fact that the widow was the nominee, the present appeal is allowed and it is ordered that the entire amount of the death gratuity of deceased be disbursed to the widow of the deceased.

In view of the above, the present revision petition is allowed.

August 20, 2015
sarita

(KULDIP SINGH)
JUDGE