

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4426 of 1997

Date of Decision: 05.05.2016

Baljit Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Amrindra Pratap Singh, Advocate,  
for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

Mr. A.S. Khaira, Advocate,  
for respondents No.2 and 3.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

**RAJIV NARAIN RAINA, J.**

1. The husband of the petitioner served as a Clerk in the respondent-Bank. He was charge-sheeted for embezzlement in 1990. The departmental proceedings remained inconclusive when he breathed his last on November 09, 1991. The petitioner is the widow of late Narinder Singh. On the death of Narinder Singh she was appointed as Peon on compassionate grounds. The Bank passed resolution No.96 on May 29, 1995 to the following effect:-

**“Agenda**

*To sanction dues payable in respect of Sh. Narinder Singh  
Jr. Clerk (deceased) B/O Rajpura.*

**Resolution:**

*Resolved that as proposed the following dues payable to the  
widow of late Shri Narinder Singh Clerk are hereby*

*sanctioned:-*

- |                            |                                      |
|----------------------------|--------------------------------------|
| <i>1. Ex-Gratia</i>        | <i>Rs.30,000/-</i>                   |
| <i>2. Leave encashment</i> | <i>Rs. 7,488/-</i>                   |
| <i>3. Gratuity</i>         | <i>Rs.19,800/-</i>                   |
| <i>4. Security</i>         | <i>Rs.6,249-40 + intt. uptodate.</i> |

*Manager, H.O. is authorised to release the dues after deducting the amounts recoverable including the amount of pay and D.A. excess drawn on account of I.R. on A.D.A. Further, payment of the dues should be made only after decision of case in DDR No.21 dated 18.10.94 lodged with P.S. Banur against Sh. Narinder Singh, Ex-Clerk and others.”*

2. Though the amounts mentioned in the resolution have been sanctioned but they have not been released to the legal heirs of late Narinder Singh till date for the reason that a Daily Dairy Report No.21 was entered in Police Station Banur against Narinder Singh on October 18, 1994 [long after he died] and this furnished sufficient to withhold payment. The DDR was against two persons one of whom was dead [Narinder Singh] and therefore the criminal action contemplated qua dead person had abated and, therefore, no recovery could be made of alleged outstanding amounts which has not even been assessed or determined in an enquiry after associating Narinder Singh when he was alive. If that did not happen in his life time then the resolution which sanctions the amounts of ex-gratia, leave encashment, gratuity and security in the sums mentioned in the resolution is a perfectly good decision but the action of the Bank in making the amounts dependent and pending outcome of DDR No.21 is not a good decision. The amounts could not be pegged down to the fate of an entry in the DDR which was not even a First Information Report registered in a police station setting in motion the criminal law against the petitioner. If there are two arbitration

awards against Narinder Singh, as Mr. Khaira submits, and certain amounts have been determined in those awards before the death of the husband of the petitioner then also it appears to this Court nothing substantial hinges on them. The fate of the arbitration award in further appeals is not known. In any case, executing those arbitration awards against the petitioning wife of Narinder Singh would appear unfair, unreasonable and inequitable. She cannot be made personally liable for the actions of her dead husband.

3. Consequently, the petition is allowed. A mandamus is issued to the Bank to pay the amounts withheld with interest at the rates the Bank itself lends money to its customers on long term fixed deposits maintained in its subscriber accounts. The amounts are directed to be calculated and paid to the petitioner within two months from the date of receipt of certified copy of this order.

(RAJIV NARAIN RAINA)  
JUDGE

05.05.2016  
manju