

CWP No.15116 of 2013

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

CWP No.15116 of 2013

Date of Order: 22.11.2016

Naseeb Kaur

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Manish Dadwal, Advocate for the petitioner.

Mz. P.S. Sekhon, Addl.A.G, Punjab.

JASWANT SINGH, J (ORAL)

Petitioner-Naseeb Kaur and Smt. Kamaljit Kaur-respondent No.7 are the mother and widow respectively of late Jasvir Singh/Head Constable, who died in harness on 09.3.2013 while posted in the office of SSP Khanna.

By filing the present petition, petitioner-Naseeb Kaur prayed for issuance of a writ of Mandamus seeking release of admissible dues and proportionate benefits in terms of alleged mutual agreement dated 09.4.2013 (P.4) arrived at between the petitioner-Naseeb Kaur and widow-Kamaljit Kaur-respondent No.7.

Upon notice, the respondents have filed a reply asserting that as per the provisions/rules, as also the fact that Kamaljit Kaur-respondent No.7 was appointed as “nominee” by the Head Constable-Jasvir Singh (since deceased), the admissible benefits have been duly released to the widow.

The claim for release of 1-4th share out of the released

funds as per mutual agreement has been repelled on account of provisions of the Punjab Civil Services Rules.

It is an admitted fact that no rules or any regulation has been cited by the petitioner seeking proportionate release of aforesaid benefits admissible to mother as opposed to widow on account of the death of an employee.

Be that as it may, as per order dated 14.1.2015, it is acknowledged that the petitioner-Naseeb Kaur has expired and no step, till now, have been taken to implead her LRs.

Keeping in view the nature of the relief claimed as also the fact that the petitioner-Naseeb Kaur has since died, this Court is not inclined to proceed any further in the matter.

Dismissed.

November 22, 2016

manoj

(JASWANT SINGH)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No