

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

CWP No. 19203 of 2013

Date of Decision: 04.11.2016

KRISHNA DEVI

... Petitioner

V/s

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.B. Kaushik, Advocate,
for the petitioner.

Mr. Gaurav Goel, AAG, Haryana

KULDIP SINGH, J. (Oral)

The petitioner has invoked writ jurisdiction under Articles 226 and 227 of the Constitution of India for issuance of writ of mandamus directing the respondents to release the compassionate assistance to the petitioner which has been withheld with effect from 01.11.2012.

Brief facts of this case are that Hari Singh (husband of the petitioner) who was working as Pump Operator with the respondent department, went missing on 16.10.2011. On 06.11.2011, a missing report was lodged. Later on, a dead body of some unknown person was found and post mortem was conducted on the said dead body. The petitioner claimed that the said dead body is of her husband-Hari Singh and thereafter obtained a death certificate on the basis of post mortem report.

In the reply, the State has produced a photograph of the person whose post-mortem was conducted as well as the photograph of Hari Singh (husband of the petitioner), employee of the respondent-department. On comparison of these two photographs, it comes out that apparently they do not match with each other. The State has also taken the stand that the person whose

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post-mortem was conducted was not Hari Singh, (husband of the petitioner) and that is why impugned order was passed.

Since, the question involved in the present case is that whether Hari Singh (husband of the petitioner) is dead or alive, the same is required to be established by leading evidence and the same cannot be decided in exercise of writ jurisdiction. Therefore, the petitioner is relegated to file a civil suit to establish the death of her husband Hari Singh and thereafter, claim for the compassionate assistant as a consequential relief.

In view of the above, the petition stands disposed of.

November 4, 2016

Suresh Kumar

**[KULDIP SINGH]
JUDGE**

	✓	
<i>Whether speaking / reasoned</i>	<i>Yes</i>	<i>No</i>
		✓
<i>Whether Reportable</i>	<i>Yes</i>	<i>No</i>