

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 22948 of 2012 (O&M)
Date of Decision: 09.09.2016

SMT. SARABJIT KAUR

.... Petitioner

vs.

STATE OF PUNJAB AND OTHERS

.... Respondents

CWP No. 4943 of 2014 (O&M)

SMT. SURINDER KAUR

.... Petitioner

vs.

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Puran Chand Arora, Advocate
for the petitioner in CWP No.22948 of 2012 and
for the respondent No.4 in CWP No.4943 of 2014
None for the petitioner in CWP No.4943 of 2014 and for
for the respondent No.4 in CWP No.22948 of 2012
Mr. R.S. Pathania, DAG, Punjab

Kuldip Singh J.(Oral)

This order shall dispose of CWP No.22948 of 2012 and CWP No.4943 of 2014, involving similar questions of law and facts. However, for facility of reference, facts have been extracted from CWP No.22948 of 2012.

The brief controversy is that Sukhbir Singh husband of Sarbjeet Kaur-petitioner in CWP No.22948 of 2010, who was working as peon in the office of respondent No.2 died on 19.07.2012.

It comes out that the deceased was not having good relations

with his wife Sarabjit Kaur as Sarabjit Kaur is reported to have left the company of her husband Sukhbir Singh. Therefore, Sukhbir Singh during his life time filed a divorce petition bearing No.324 of 2009 in the Court of Additional District Judge U.T. Chandigarh, which remained pending. However, after the death of Sukhbir Singh, the same was withdrawn on 05.09.2012. It also comes out that during his lifetime, deceased Sukhbir Singh executed a registered Will dated 17.08.2003, wherein, while stating about desertion by his wife on account of kidney problem of Sukhbir Singh, he bequeathed the entire movable and immovable property in favour of his mother and further bequeathed his all the service benefits be given after his death in favour of his mother. Both Sarabjit Kaur widow of the deceased as well as Surinder Kaur mother of the deceased, have filed separate writ petitions, claiming the retiral benefits i.e. family pension, GPF, GIS and leave encashment.

I have heard learned counsel for the parties and have carefully gone through the files.

It comes out that the State had considered the claim of both the parties in accordance with provisions of Punjab Civil Services Rules and passed a speaking order dated 22.02.2013, whereby GPF was ordered to be released in favour of Surinder Kaur, mother of the deceased being the nominee. The gratuity, leave encashment and GIS was ordered to be released in equal share in favour of the Surinder Kaur mother and Sarabjit Kaur widow of the deceased. The ex-gratia grant and family pension was released in favour of the Sarabjit Kaur widow of the deceased. Regarding the compassionate appointment, the case of Sarabjit Kaur widow of the

deceased was ordered to be considered as per policy of the Government.

The State Counsel has informed that Sarabjit Kaur has already been appointed on compassionate ground.

I am of the view that the order dated 22.02.2013, passed by the Government, is in accordance with rules. There is no illegality or infirmity in the same.

Learned counsel for the petitioner Sarabjit Kaur states that in accordance with the aforesaid order, all the benefit should be released to the respective parties.

In view of the matter, the State is directed to release all the benefits to Surinder Kaur mother of the deceased and Sarabjit Kaur widow of the deceased in accordance with order dated 22.02.2013 (Annexure R-1) within a period of two months from the date of the receipt of a certified copy of the judgment. However, the interest is not allowed, since both the parties were litigating to make the claim.

Both the petitions are allowed in above mentioned terms.

A copy of the order be placed on the connected file.

09.09.2016
gk

(Kuldip Singh)
Judge

Whether speaking / reasoned
Whether reportable

Yes
No