

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19987 of 2013 (O/M)
Date of decision : 26.7.2016

Rajwinder Kaur Petitioner (s)

Versus

State of Punjab and others Respondent (s)

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Ashok Bhardwaj, Advocate, for the petitioner.

Mr. R.S. Pathania, Deputy A.G. Punjab.

Mrs. G.K. Gurna, Advocate, for respondent No. 2.

Mr. Sandeep Bansal, Advocate, for respondent No. 3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ? Yes.
2. To be referred to the Reporter or not. Yes.
3. Whether the judgment should be reported in the digest ? Yes.

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KULDIP SINGH J. (ORAL)

The petitioner, who is widow of Sukhpal Singh, pre-deceased son of Jeeva Singh, husband of Gurmail Kaur (respondent No. 3 herein), has filed a writ of mandamus, directing respondents No. 1 and 2 to release the entire pensionary benefits of Jeeva Singh proportionately to her and respondent No. 3. Sukhpal Singh husband of the petitioner was posted in CRPF and allegedly died due to road accident on 27.8.2012. Thereafter, it appears that litigation started between the petitioner and her mother-in-law Gurmail Kaur regarding benefits to be allowed to the legal heirs of deceased Sukhpal Singh. In the meanwhile, Jeeva Singh expired on 5.7.2013. He was working as Assistant Lineman with respondent No. 2 i.e. Punjab State Power Corporation Limited, Patiala. By way of this writ petition, the petitioner claims that though Gurmail Kaur was nominee, but she is also

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entitled proportionately to the retiral benefits of Jeeva Singh being the widow of Sukhpal Singh, pre-deceased son of Jeeva Singh.

Respondent No. 2 in the written statement has maintained that Jeeva Singh had made the nomination in favour of his wife, namely, Gurmail Kaur. It was further stated that as per the information supplied by mother-in-law of the petitioner, Sukhpal Singh is stated to have expired on 27.8.2012 in road side accident. However, another son of Gurmail Kaur had filed a criminal complaint under Section 302 read with Section 34 IPC against the petitioner and some others, which is pending in the Court of the learned Sub Divisional Judicial Magistrate, Sunam. It was further stated that under Rule 54 of CCS Pension Rules 1972 of the CRPF, the widow is entitled to all the service benefits. However, the Director General, CRPF, New Delhi, has ordered the payment of Rs. 2,50,000/- (Rs. 1,25,000/- each to the mother and father of the deceased) out of the risk fund/central welfare fund of the CRPF. The respondents have maintained that since the widow of the deceased Jeeva Singh was the nominee, therefore, she is entitled to all the pensionary benefits of Jeeva Singh.

I have heard the learned counsel for the petitioner, the learned State counsel, the learned counsel for respondent No. 2, the learned counsel for respondent No. 3 and have also carefully gone through the file.

Undisputedly, Jeeva Singh nominated his wife Gurmail Kaur. In the nomination form of provident fund, in the event of Gurmail Kaur pre-deceasing her husband, Sukhpal Singh son of Jeeva Singh was nominated to receive the said pension. Undisputedly, the pension of deceased Jeeva Singh is to go to his widow Gurmail Kaur. The other retiral benefits are leave encashment and gratuity. As per the nomination form, these are to go

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to the widow of Jeeva Singh, namely, Gurmail Kaur.

This Court has been informed that Jeeva Singh left behind widow, two daughters and one son. The second son Sukhpal Singh pre-deceased him. The said two daughters and one surviving son of Jeeva Singh are not party to the present writ petition. In these circumstances, it is held that the pension shall go to the widow of deceased Jeeva Singh, namely, Gurmail Kaur. The other retiral benefits shall also go to Gurmail Kaur widow of Jeeva Singh. If the petitioner claims that she is entitled to retiral benefits of Jeeva Singh, it shall be open for her to file a civil suit and establish her right after impleading all the legal heirs of Jeeva Singh.

The writ petition is accordingly dismissed with the aforesaid liberty.

(KULDIP SINGH)
JUDGE

26.7.2016
sjks

Whether speaking / reasoned : ☒ Yes / No

Whether reportable : ☒ Yes / No