

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

CWP No.17365 of 2015
Date of Decision: 19.12.2016

Wazir Singh . . . Petitioner

Versus

State of Haryana and others . . . Respondents

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Lalit Rishi , Advocate for the petitioner.

Mr. Ravi Partap, AAG, Haryana.

Mr. Rajesh Kumar, Advocate for
Mr. Sanjay Kumar, Advocate
for respondent No.5.

Kuldip Singh, J. (Oral)

Chanchal wife of the petitioner who was working as JBT teacher with Haryana Government Education Department was in service since 03.09.2008, when she was unmarried. Before her joining, Haryana Government notified a scheme on 18.08.2008 under which contribution of 10% of the basic pay plus DA was to be deducted from the salary by the Drawing and Disbursing Officer. Under Rule 9 of the Haryana New Pension Scheme, 2008, the nomination form was to be submitted at the time of admission to the new pension scheme and in case of marriage new form was to be submitted and thereafter once in every 5 year the nomination was to be filed. On 02.11.2012 said Chanchal married the petitioner. On 22.06.2014, said Smt. Chanchal gave birth to a female child, Ms. Chetna in City Maternity and Nursing Home, Rohtak and unfortunately died immediately thereafter.

It comes out that at that time she had not submitted her nomination form under the new pension scheme and now the dispute has arisen with regard to grant of the benefit of new accumulated pension amount of said Chanchal lying deposited with National Securities Depository Limited (NSDL).

On behalf of the respondents, objection is that there is no nomination form. It has also come out that father of Smt. Chanchal had given an affidavit in favour of the petitioner on 10.09.2014 (Annexure P-3), but the respondents insisted of legal heir/succession certificate.

Learned counsel for the State has also informed that remaining pensionary benefits have already been paid by the State.

I am of the view that in this case, after the death of the wife, petitioner being the husband and Ms. Chetna being the daughter of the deceased are entitled to the amount lying deposited with new pension scheme of National Securities Depository Limited-respondent No.5. In the case of Class-I heir no legal heir or succession certificate is required. Therefore, respondents are directed to release the benefit of the pension to the petitioner and Ms. Chetna through her father with immediate effect along with interest accrued thereon.

Disposed of, accordingly.

[KULDIP SINGH]
JUDGE

19.12.2016

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Whether Speaking/reasoned	:	Yes
Whether Reportable	:	No