

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

**Civil Writ Petition No. 21491 of 2015 (O&M)
Date of Decision: 28.09.2016**

Suresh Kumar

..... Petitioner

Versus

Punjab State Power Corporation Limited,
Patiala and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vaibhav Narang, Advocate
for the petitioner.

Mr. M.C. Beery, Advocate and
Mr. B.S. Mittal, Advocate
for the respondents-PSPCL alongwith
Mr. K.D. Chaudhri, Chairman-cum-Managing Director
PSPCL, in person.

JASWANT SINGH, J. (ORAL)

Petitioner-Suresh Kumar, by filing the present petition, is seeking a mandamus to direct Punjab State Power Corporation Limited (PSPCL) to forthwith release the service benefits including compassionate appointment in lieu of the death of his father on 27.08.2006 in harness, while working as Fitter.

On the previous date of hearing on 24.08.2016, the following order was passed”-

“Father of the petitioner died while working as a Fitter with Punjab State Power Corporation Limited (PSPCL), T.R.W. Division No. 1, Amritsar on 27.08.2006, leaving behind the present petitioner-son and his married daughter-Sunita Devi as surviving legal heirs. Sister of the petitioner, namely, Sunita Devi, had submitted an affidavit with the PSPCL granting her no objection for release of all the retiral/service

benefits to the present petitioner i.e. her brother. The employer, however, insisted upon submission of a succession certificate. The petitioner, thus, was constrained to file a civil suit on 02.08.2010 for grant of a succession certificate by, inter alia, impleading the officials of the PSPCL. The suit was decreed in favour of the petitioner on 28.11.2014.

Grievance of the petitioner is that in spite of having suffered a decree as well, neither admissible and due amounts of his deceased father have been released to him nor his case for compassionate appointment in terms of the policy has been considered.

Upon notice, a reply has been filed.

The admissible amounts have not yet been released due to non-submission of succession certificate in spite of having suffered decree. No rule has been quoted requiring the submission of a succession certificate.

Even at the time of arguments, learned counsel for the respondents-PSPCL insisted that the admissible amounts have not been released because of non-submission of the succession certificate.

*List on **28.09.2016** for further consideration.*

Let the Chairman, PSPCL, be present in the Court on the next date of hearing to assist the Court. He will also file an affidavit indicating the number of cases wherein there has been insistence on submission of a succession certificates for release of retiral/service benefits of the deceased-employees to the legal heirs.

Learned counsel for the respondents assures the Court regarding conveying the order to the Chairman for compliance.”

In compliance of the directions, Mr. K.D. Chaudhri, Chairman-cum-Managing Director of PSPCL is present in Court. He has admitted the serious lapse on part of the officials of the PSPCL, and apart

from tendering his unqualified apology has also ordered the disciplinary action against the guilty officials concerned. He further states that the entire admissible service/retrial benefits have since been released to the petitioner-son in the light of having no objection by other legal heir/daughter. He has also filed his detailed affidavit dated 21.9.2016 in Court today and the same is accepted.

At the time of hearing, a sum of ₹ 3,00,000/- (Three Lacs only) payable by way of demand draft has also been handed over to the counsel for petitioner in lieu of compassionate appointment as solatium in terms of the policy applicable to the employees of PSPCL, and the same has been accepted, a photocopy of demand draft has been retained for the purpose of record. Learned counsel for the respondents, thus, submits that the entire claimed relief has since been sanctioned and released to the petitioner, and nothing more requires to be adjudicated in the present case.

In response, learned counsel for the petitioner concedes that the present petition has become infructuous

In view of above, present petition stands dismissed as infructuous.

September 28, 2016

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No