

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

CWP No.27179 of 2013

Date of decision: 12.01.2016

Sunita Rani

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Pankaj Midha, Advocate
for the petitioner.

Mr. Pravindra Singh Chauhan, Addl. A.G. Haryana.

Mr. P.S. Poonia, Advocate
for respondents No.2 to 5.

RITU BAHRI J. (Oral)

The petitioner has filed this writ petition seeking direction to the respondents to release/disburse the pensionary/service benefits i.e. gratuity, leave encashment, family pension, etc.

The husband of the petitioner, namely, Chiman Lal joined the respondent-department in the year 1989-90 as T.Mate. The petitioner's husband had completed his job in a very integrated, sincere and honest manner. In 1992, the petitioner's husband was promoted to the post of A.L.M. and later on he was

promoted to the post of Lineman. On 02.02.2011, the petitioner's husband had died, after serving the department for a period of 22 years. The petitioner has two children and all the family members were totally dependent upon the salary of deceased-Chiman Lal.

In order to released the retiral benefits of deceased-Chiman Lal, the petitioner served legal notice dated 13.09.2013 (Annexure P-1) and a reminder dated 29.10.2013 (Annexure P-2) upon the department.

Upon notice in the writ petition, written statement dated 21.09.2014, has been filed by respondents No.2 to 4 stating therein that an FIR No.154 dated 03.02.2011 has been registered under Sections 306/34 IPC at Police Station Panipat on the complaint of deceased son, namely, Madhur. After investigation by the police, it was found that no official of the respondent-Nigam is guilty. The financial assistance is being paid to the widow of the deceased-Chiman Lal regularly in terms of M.D. UHBVN, Panchkula, Office Memo No.Ch-86UH/Pen/L dated 07.09.2006. The final payment amounting to Rs.2,57,230/- in respect of leave encashment has been paid to the petitioner vide cheque No.759974 dated 16.02.2011 (Annexure R-4/1) and the payment amounting to Rs.7,52,391/- in respect of GPF has also been paid to the petitioner vide cheque No.760074 dated 30.03.2011 (Annexure R-4/2). The amount of Rs.30,000/- on account of shortage of material already recovered from the pay of

the deceased has already been released vide cheque No.225296 dated 20.08.2014, on account of shortage of material. In the written statement, the only payment which is due to the petitioner is now the Death-cum-Retirement Gratuity (DCRG) which has been withheld by the department. In the written statement, there is no mention that there was any recovery order against the petitioner's husband with regard to shortage of material in the store and no enquiry has been initiated in that regard. In the absence of any order for recovery, the respondents should not have retained the Death-cum-Retirement Gratuity (DCRG) of the petitioner's husband.

Keeping in view the above facts and circumstances and without expressing any opinion on the merits of the case, the present petition is being allowed with a direction to the respondents to release the Death-cum-Retirement Gratuity (DCRG) to the petitioner within a period of 45 days along with 9% interest from the date of legal notice dated 13.09.2013 till the date of payment.

(RITU BAHRI)
JUDGE

12.01.2016
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