

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

Date of decision: 11.03.2016

CWP No.551 of 2013

Surinder Singh

...Petitioner

Vs.

Punjab State Power Corporation Ltd. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. H.S.Dhindsa, Advocate, for the petitioner.

Mr. Y.P.S.Khullar, Advocate, for the respondents.

RAJIV NARAIN RAINA, J.

1. The petitioner died during the pendency of the petition. He worked in the Punjab State Power Corporation. The issue of date of birth was personal to the employee which impacted his date of superannuation. If no disciplinary action was taken during his life time for fake date of birth while he was in service that would be reason enough to hold that the cause of action has abated. Mere knowledge of employer after retirement, of falsification of record or submission of bogus date of birth certificate cannot be read against a dead man only to punish his heirs and legal representatives.

2. Though the charge was proved in the inquiry conducted against the petitioner against which the petitioner had approached this court, but the conclusion of the disciplinary proceedings did not lead to an infliction of punishment. The Management did not dismiss the petitioner on the charge of producing a fake education certificate recording the disputed date of birth for securing employment and instead, the petitioner was made to retire from

service from the back date. This amounts to condoning misconduct and thereby entitling the petitioner to pension etc. and consequentially, the widow to family pension including unpaid terminal benefits, as may have been available to the petitioner.

3. Consequently, the present writ petition is disposed of as cause of action has been abated as against the family members.

4. In any case, no recovery can be made against the estate of the deceased by the respondents. The wife and children cannot be penalized for the alleged sins committed by the petitioner on an incorrect date of birth recorded in the certificate/school leave certificate or to dispute any longer that the petitioner did not attend the school, the Principal of which has disowned the certificate of school leaving.

11.03.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE