

Brief facts of the case are that Shri Ram Rattan, father of the petitioner, was initially appointed as Water Pump Operator with Municipal Committee (now Municipal Corporation) Ambala City, where he worked till 1.4.1993. Thereafter, the State of Haryana transferred the water distribution system from Municipal Committee to Public Health Department with effect from 2.4.1993 and accordingly, the services of the father of the petitioner were transferred to Public Health Department with effect from 2.4.1993 on deputation and lastly, he was absorbed in the said department with effect from 2.4.1993. Shri Ram Rattan died in harness on 14.4.2004, just four months before his retirement. According to the petitioners, the deceased left behind three children, namely, Neetu (unmarried daughter) now married, Kusum (minor daughter) and Rahul (minor son). Now, Kusum and Rahul

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have approached this Court for directions to the respondents to release the pensionary benefits to them.

The stand of the respondents, in the written statement, is that the leave encashment, DCRG and family pension is to be paid, but these could not be released for want of succession certificate.

I have heard the learned counsels for the parties and have also carefully gone through the file.

I am of the view that the stand of the respondents is ridiculous. When an employee dies in harness, no succession certificate is required to be produced for claiming leave encashment, DCRG, family pension and other benefits. The department was required to verify the legal heirs of deceased Ram Rattan, asking the petitioners to submit the list of legal heirs and affidavits of the legal heirs, if required, and release the pension. The petitioners were minor at the time of death of their father and it was unwarranted on the part of the respondent-department to seek succession certificate from the minor children of the deceased. In this way, there is deliberate delay in releasing the payment. It comes out that after the objection was raised by the respondents, the petitioners have obtained succession certificate also and according to the learned counsel for the petitioners, it was submitted to the respondents in March, 2016, but till date the payments have not been released.

In these circumstances, the respondents are directed to release all the retiral benefits to the petitioners within one month from the date of passing of this order alongwith interest at the rate of 9% per annum, payable three months after the date of death of father of the petitioners on 14.4.2004. As per the policy dated 31.3.2003 (Annexure-P-6) called 'The Haryana

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Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2003', the petitioners are also entitled to the ex-gratia financial assistance of Rs. 2,50,000/-. The same is also ordered to be released with abovenoted rate of interest. As per the stand of the respondents, the gratuity is to be paid by respondent No. 6. The same be also released with abovenoted rate of interest by respondent No. 2 as well as Municipal Corporation, Ambala (respondent No. 6).

The present writ petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

8.8.2016
sjks

Whether speaking / reasoned : Yes

Whether Reportable : Yes