101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.6151 of 2013 (O&M)
Date of decision : November 28, 2016

Meenakshi and others .... **Petitioners**

Versus

Union Territory, Chandigarh and others .... **Respondents**

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Virender Kumar, Advocate for the petitioners.

Mr. Vikas Chatrath, Advocate for
Municipal Corporation, Chanidgarh-respondent Nos.1 and 2.

Mr. Krishan Singh, Advocate for respondent No.3.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Learned counsel for respondent No.3 states that the matter cannot be mutually settled. On the last date of hearing i.e. 08.11.2016, the legal position regarding payment of retiral benefits was settled. The relevant extract of the said order is reproduced as under:

> *"Now, the dispute is regarding payment of family pension, DCRG, leave encashment, Provident Fund, insurance claim and other dues. So far as the death of first wife of Pardeep Kumar is concerned, the same is proved from Annexure P-3, wherein the name of the husband of Rajo is mentioned as Pardeep Kumar. However, her second name Parveen is not mentioned. Petitioner No.2 and respondent No.3 are the the daughters of Pardeep Kumar, from his first marriage as claimed in the petition and they admit the death of their mother. So far as the Rules regarding family pension are concerned, the family pension is payable to wife in the*

present case. Since the son is not minor, therefore, he is not under the family pension and with regard to the unmarried daughters are entitled only up to the age of 21 years, which they have crossed.

Now, coming to the gratuity, it is surviving widow, who is entitled to get the same, who in this case is petitioner No.1. The other benefits i.e. leave encashment, Provident Funds and Insurance Scheme and other dues are payable to all the legal heirs. However, the parties have sought time to make a mutual settlement, as to who is to actually receive the said benefits and to which extent.

Learned counsel for the petitioner states that the unmarried daughters have crossed the age of 21 years. Therefore, they are not entitled to family pension."

Therefore, the family pension, gratuity, leave encashment, provident funds, insurance scheme and other dues are ordered to be paid as ordered above.

The Municipal Corporation is also directed to decide the payment of ex-gratia amount by passing a speaking order in accordance with law/rules. The interest of 9% per annum shall be payable on the delayed payment of retiral dues, starting three months from the date of death of the deceased-employee.

Needful be done within three months from the date of receipt of certified copy of this order.

The present petition is allowed accordingly.

(KULDIP SINGH)
JUDGE

November 28, 2016
sarita

Whether speaking / reasoned Yes

Whether Reportable: No