

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 8277 of 2014 (O&M)
Date of decision : November 21, 2016

Jishnu Aneja and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Manish Dadwal, Advocate
for the petitioner

Mr. R.S. Pathania, DAG Punjab
for respondent No. 1

Mr. Kamal Dhillon, Advocate
for respondents No. 2 and 3

Mr. Ashish Gupta, Advocate
for respondent No. 5

Mr. Rakesh Bhatia, Advocate
for respondent No. 6

KULDIP SINGH J. (ORAL)

Respondents No. 4 and 6 have not filed the written statement.

Learned counsel for respondent No. 6 supports the claim of the petitioners.

Petitioners – Jishnu Aneja and Alisa Aneja are minor son and daughter of Sanjay Aneja who died in harness on 21.03.2013. He was working as Accountant with respondents No. 2 and 3. It comes out that said Sanjay Aneja was previously married to Rajni Thakur. The marriage ended in divorce. Subsequently Sanjay Aneja re-married in the year 2011 with Anil Prabha – respondent No. 5. After the death of Sanjay Aneja the dispute arose and vide Annexure P-4 the petitioners had been directed to produce the succession certificate for claiming the terminal benefits of the deceased.

I have heard learned counsel for the parties and have also carefully

gone through the case file.

It is not disputed that Anil Prabha being the legally wedded wife is entitled to family pension. However, amount of CPF, D.C.R.G and Earned Leave Encashment is to go to Class-I legal heir. In the present case Anil Prabha; both the petitioners being children of deceased and Krishana Devi being the mother of the deceased being Class-I heir are entitled to 1/4th share each in CPF, D.C.R.G. and Earned Leave Encashment. In my view, for the Class-I heir no succession certificate is required.

Accordingly, the petition is allowed. Family pension be released to Anil Prabha. Respondents No. 2 and 3 are also directed to release CPF, D.C.R.G. and Earned Leave Encashment of late Sh. Sanjay Aneja to the petitioners, Anil Prabha and Krishana Devi (respondents No. 4 and 6) to the extent of 1/4th share each without insisting for production of succession certificate. The benefits be released immediately after the receipt of certified copy of this order alongwith interest @ 9% per annum. The payment shall be made from the date starting from one month of death of deceased employee Sanjay Aneja.

November 21, 2016

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**(KULDIP SINGH)
JUDGE**

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes / No