

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1517 of 2016 (O&M)

Date of Decision: 23.08.2016

Neeraj Yadav

... Appellant

VS.

Union of India & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

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| 1. <i>Whether speaking/reasoned?</i> | Yes / No |
| 2. <i>Whether reportable?</i> | Yes / No |
| 3. <i>Whether Reporters of local papers may be allowed to see the judgment?</i> | Yes / No |
| 4. <i>To be referred to the Reporters or not?</i> | Yes / No |
| 5. <i>Whether the judgment should be reported in the Digest?</i> | Yes / No |

Present: Mr. Manoj K Tanwar, Advocate for the appellant

SURYA KANT, J. (Oral)

(1) The monetary claims accruing due to unfortunate death of BSF Constable Late Mahesh Kumar has led to an ugly dispute between his widow – the appellant and the contesting respondents who are his parents. The contesting respondents filed the writ petition seeking release of the benefits such as Group Insurance Scheme, Death-cum-Retirement Gratuity and Life Insurance, namely, Seema Prahari Beema Yojna for which the deceased Constable had nominated his parents much before he got married with the appellant. The benefit of family pension, leave encashment and may be a few more have fallen to the share of appellant. She being aggrieved by the order dated 28.07.2016 of learned Single Judge whereby the benefits of GIS, Death-cum-Retirement Gratuity and Seema Prahari Beema Yojna have been ordered to be released strictly as per the nominations and keeping in view the Rules governing such benefits, that the appellant has filed this intra-Court appeal.

(2) We have heard learned counsel for the appellant. In view of the fact that the above-mentioned benefits are required to be released in accordance with:-

- (i) para 19.3 of the Central Government Employees Group Insurance Scheme (CGEGIS 1980), to the nominated father/mother of Central Government employee in the event of his death, or if no fresh nomination is made in case of re-marriage;
- (ii) in terms of Rules 51(1)(a) read with Rule 53 of CCS (Pension) Rules, to the nominee made by deceased Govt. servant,
- (iii) in view of Seema Prahari Beema Yojna (SPBY), claim amount to the NOKs of deceased personnel and
- (iv) as per Rule 39.C of CCS (Leave) Rules, leave encashment to the widow.

(3) The order of learned Single Judge thus calls for no interference. As regard to the appellant's grievance against nomination so made or the subject Rules, she may seek redressal of her grievance before an appropriate forum.

(4) With liberty afore-mentioned, the appeal stands dismissed.

(Surya Kant)
Judge

23.08.2016
vishal shonkar

(Sudip Ahluwalia)
Judge