

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.505 of 2016 (O&M)

Date of Decision: 06.10.2016

State of Haryana & Ors.

... Appellants

VS.

SI Mohinder Singh (since dead)

... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT

HON'BLE MR.JUSTICE SUDIP AHLUWALIA

1. Whether speaking/reasoned?

Yes / No

2. Whether reportable?

Yes / No

3. Whether Reporters of local papers may be allowed to see the judgment?

Yes / No

4. To be referred to the Reporters or not?

Yes / No

5. Whether the judgment should be reported in the Digest?

Yes / No

Present: Mr. Ravi Dutt Sharma, DAG Haryana

None for the respondent

SURYA KANT, J. (Oral)

(1) Learned Single Judge has vide order under appeal dated 09.09.2015 directed the appellants to grant retiral benefits to the respondent (since dead) keeping in view his rank which he enjoyed while on deputation with CID where he served for more than 20 years before retirement. It is not in dispute that the respondent while working as Constable in the State Police was sent on deputation to CID Wing where he continued to serve and earned promotions upto the rank of Sub Inspector. When he was nearing retirement he was repatriated to his parent cadre. After his retirement, he was granted retiral benefits on the assumption that he is UGC Constable. It is in this backdrop that the question arose for consideration as to whether the respondent was entitled to seek pension and other retiral benefits on the basis of pay drawn by him as Sub Inspector from 1995 till his repatriation to the parent cadre or as a UGC Constable?

(2) The respondent has unfortunately passed away. The order under appeal has granted some monetary benefits and in the peculiar circumstances, we do not deem it necessary to call upon the legal representatives of the respondent to contest his claim. The appeal is dismissed, however, leaving open the question of law.

CM-1098-LPA-2016

In view of the above, no specific order is required to be passed in this application seeking condonation of delay of 138 days in filing the appeal.

(Surya Kant)
Judge

06.10.2016
vishal shonkar

(Sudip Ahluwalia)
Judge