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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: February 05, 2016
RSA No.1685 of 2013

Punjab State Power Corporation Limited Patiala
and others

.....Appellants

Versus

Harpreet Singh

.....Respondent

RSA No.2608 of 2013

Harpreet Singh

.....Appellant

Versus

Punjab State Power Corporation Limited Patiala
and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Mukul Aggarwal, Advocate
for the appellants (in RSA No.1685 of 2013 and
respondent (in RSA No.2608 of 2013).

Mr. Mayank Mathur, Advocate
for the appellant (in RSA No.2608 of 2013) and
respondent (in RSA No.1685 of 2013).

SABINA, J

Vide this order, above-mentioned two appeals
would be disposed of as the same have arisen out of same
suit.

Harpreet Singh-Plaintiff had filed suit for
declaration that the order whereby, pensionary benefits and
employment on compassionate grounds were declined to
him, was illegal.

The case of the plaintiff, in brief, was that Ajaib

Singh was working as a Lineman with the defendants and had died on 27.07.2000 while in service. Ajaib Singh was unmarried and had adopted the plaintiff as his son. Plaintiff had filed suit No.8 dated 07.01.1998 seeking a declaration that he was legally adopted son of Ajaib Singh. In the said suit, Ajaib Singh had appeared and had filed his written statement. The suit was decreed on 15.01.1999. After the death of Ajaib Singh, plaintiff had inherited the property of Ajaib Singh being his adopted son. Tubewell connection installed in the land of Ajaib Singh was also transferred by the defendant-Corporation in the name of the plaintiff. After the death of Ajaib Singh, plaintiff had approached the defendant-Corporation for release of retiral benefits of Ajaib Singh to him and for providing him employment on compassionate grounds. However, the said request of the plaintiff was declined by the defendants vide order dated 07.11.2002. Hence, the suit was filed by the plaintiff.

Defendants in their written statement denied that the plaintiff was the adopted son of Ajaib Singh. Hence, it was prayed that the plaintiff was not entitled to the relief claimed by him.

On the pleadings of the parties, following issues were framed by the trial Court:-

“1. Whether the plaintiff is entitled for the declaration as prayed for?OPP

2. If issue No.2 is decided in his favour, whether the plaintiff is entitled for the payment of arrears alongwith interest?OPP

3. Whether the suit of the plaintiff is not maintainable in the present form?OPD

3-A. Whether decree dated 14.1.1999 passed by Civil Judge (Junior Division), Nabha is result of fraud and collusion and is illegal, null and void, without jurisdiction and not binding on the defendant?OPD

4. Relief.”

Parties led their evidence in support of their respective pleas.

Trial Court vide judgment/decreed dated 16.02.2011 decreed the suit of the plaintiff. The relief clause of the judgment dated 16.02.2011 reads as under:-

“In the totality of the facts and circumstances discussed in fore-going paragraphs, the suit is decreed for declaration to the effect that the plaintiff being adopted son of deceased Ajaib Singh is entitled to make representation for compassionate employment to the defendants. The defendants shall decide the same in accordance with the departmental rules by passing well reasoned speaking order. The plaintiff is also entitled for death-cum-retirement benefits accrued after death of Ajaib Singh being adopted son subject to rules of succession applicable to the parties. The defendants are given six months time from the date of preparation of copy of this judgment to decide the

claim of plaintiff in accordance with the law and department rules. Decree sheet be drawn accordingly. File be consigned to the record room."

Aggrieved against the said judgment/decree, defendant-Corporation preferred an appeal. The First Appellate Court vide judgment/decree dated 10.12.2012 partly allowed the appeal and held that the plaintiff was entitled to receive the retiral benefits accruing on account of death of Ajaib Singh, but was not entitled for appointment on compassionate grounds. Hence, the present appeals by the plaintiff as well as defendants.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Admittedly, Ajaib Singh was working as a Lineman with the defendants and had died on 27.07.2000 while in service. The Courts below rightly held that the plaintiff was the adopted son of Ajaib Singh in view of decree dated 14.01.1999 passed in this regard in favour of the plaintiff. Since the plaintiff was the adopted son of Ajaib Singh, the Courts below rightly held that the retiral benefits accruing on account of death of Ajaib Singh were liable to be disbursed to the plaintiff.

The next question that requires consideration is as to whether plaintiff was entitled for appointment on compassionate basis. In this regard, it has been noticed by

the First Appellate Court that the plaintiff was having landed property in village Alhoran. Defendants had also placed on record documents to the effect that the plaintiff had also inherited property from his natural father. It is the case of the plaintiff himself also that he had inherited property of Ajaib Singh. In these circumstances, the learned First Appellate Court rightly held that the plaintiff was not entitled for employment on compassionate grounds.

No substantial question of law arises in these cases warranting interference by this Court.

Appeals stand dismissed.

**(SABINA)
JUDGE**

February 05, 2016
mahavir