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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4269/2016

SANTOSH

..... Petitioner

Represented by: Mr.A.K.Verma, Advocate with
Mr.Satendra Kumar, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Represented by: Mr.Amrit Pal Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **28.07.2016**

1. Late husband of the petitioner was appointed as Head Security Guard under CISF on April 11, 1970. In the year 1989 late husband of the petitioner was working as a Head Constable and pursuant to a departmental inquiry was dismissed from service with immediate effect on April 05, 1989.
2. As a result of he being dismissed from service the late husband of the petitioner was entitled to money lying to his credit in the General Provident Fund account as also claim under CGEGIS, 1980. Though from the pleadings in the writ petition it is not emerging but concededly if any earned leave was lying in his credit in the leave account the leave encashment benefit also had to enure.
3. The husband of the petitioner expired on December 04, 2006. The petitioner claims to be the lawful wife of the Bhagwan Sahay. In the writ petition she desires that the money lying to the credit of her late husband

W.P.(C) 4269/2016

page 1 of 3

in the GPF account, money payable under CGEGIS, 1980 be paid to her.

4. The respondents have produced the record which shows that as many as 13 communications were sent to the late husband of the petitioner calling upon him to sign the forms which were sent to him as also a pre-receipt. It appears that the late husband of the petitioner did not bother to respond to the letters and this explains why till date the amount has not been disbursed.

5. The petitioner would now be entitled to the amounts which were to be paid to her late husband upon he being dismissed from service.

6. The record of late husband of the petitioner is at Navi Mumbai. The petitioner is an illiterate lady. Since the entitlement of the petitioner to two amounts is not in dispute and as regards leave encashment the department has to look into the leave record, we dispose of the petition declaring that the petitioner would be entitled to the amount lying in GPF account of the late husband of the petitioner as also the amount payable under CGEGIS, 1980. If any leave is lying in the credit in the leave account of the petitioner's husband even said amount would be payable to her.

7. Since documentation would be required, we direct the respondents to get all the documents which the petitioner needs to sign and appear before the Secretary, Delhi High Court Legal Services Committee at 11.00 A.M. on September 05, 2016. Learned counsel for the petitioner has been requested to inform the petitioner that even she should appear before the Secretary, Delhi High Court Legal Services Committee so that it can be ensured that the petitioner signs such documents as are required to facilitate payment to her. Petitioner shall get an identity proof.

8. Secretary, Delhi High Court Legal Services Committee shall ensure that the petitioner receives her dues from the respondents.

9. No costs.
10. Copy of this order be supplied to learned counsel for the parties and a copy be transmitted to the Secretary, Delhi High Court Legal Services.

PRADEEP NANDRAJOG, J.

PRATIBHA RANI, J.

JULY 28, 2016
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