

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-26261-2013 (O&M)
Date of decision: 28.07.2017

Shanu

....Petitioner

Versus

Union of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Munish Gupta, Advocate for the petitioner.

Mr. Vivek Chauhan, Advocate for respondents No. 1 to 3.

Mr. Akshay Kumar Goel, Advocate for respondent No.2.

Ms. Rajni Maurya, Advocate for respondent No.4.

P.B. Bajanthri, J. (Oral)

In the present writ petition, petitioner has sought for a direction to the respondent-authorities to pay 25% share out of insurance benefits in favour of the petitioner and further sought for restraining the respondent authorities not to release 25% share out of insurance benefits in favour of respondent No.4.

2. Petitioner's husband is stated to have died on 15.10.2012. For the purpose of claiming financial benefits which were due to the petitioner's husband, petitioner has submitted affidavit on 23.11.2012 to pay 25% of the share to the 4th respondent-mother in law of the petitioner. Accordingly, official respondents proceeded to pass order on 09.01.2013 while dividing

the share to the extent that wife and two children-75% and mother of the deceased employee-25% which reads as under:-

“1. Keeping in view the consent given by the widow, it is recommended that insurance benefits under AGI Scheme amounting to Rs.20,00,000/- (Rupees Twenty Lacs only) be divided and paid as under:-

- (a) Wife :75%
(Incl. share of 2 x children)
- (b) Mother : 25%

2. It is further recommended that out of widow's share 50% amount be paid to her and 50% amount be invested in SSD Scheme in her name as non-cumulative deposit for five years. The interest accrued on the investment be paid to her on quarterly basis.

3. Bal 25% share of mother be invested in SSD Scheme provisionally for one year as cumulative deposit in the name of AGIF and the same be paid to her on receipt of claim documents.

4. Put up for consideration and approval please.”

3. The above proceedings have been drawn in accordance with Army order 23/2002/AGI-Army Group Insurance Scheme in particularly para 39 read with para 41 read with affidavit of the petitioner. After submitting affidavit by the petitioner that 25% share shall be given to her mother-in-law and when a decision was taken by the official respondents, a dispute arose between the petitioner and her mother in-law/4th respondent. Consequently, petitioner submitted an application withdrawing affidavit dated 23.11.2012 to the extent of giving no objection of 25% to the mother-

in-law. Under the Army order there is no provision for withdrawal of consent once it was given. If there is any dispute between the petitioner and the 4th respondent that will not be a hurdle for canceling the decision of the respondents to extend 25% share of the deceased employee to his mother. That apart, petitioner has not challenged the decision of the official respondents in respect of passing order on 09.01.2013 under the Army Order/Army Group Insurance Scheme-2002. Thus, petitioner has not made out a case seeking for writ of mandamus to the official respondents to extend 25% of the share which has been ordered to be given to mother-in-law of the petitioner and further restraining the official respondents to not to extend the benefit of 25% to the petitioner's mother-in-law/4th respondent. Accordingly, CWP stands dismissed.

28.07.2017

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**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No