

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

**CWP No. 23862 of 2015 (O&M)
Date of Decision: 12.05.2017**

Major Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. V.K. Shukla, Advocate
for the petitioner.

Mr. Vaibhav Sharma, Deputy Advocate General, Punjab
for respondent Nos. 1 to 5/State assisted by
Mr. Harinder Singh, Principal, Govt. Sr. Sec. School,
Village Fatta Malo Ka (Mansa).

Mr. Amandeep Saini, Advocate
for respondent Nos. 6 to 9.

JASWANT SINGH, J. (ORAL)

Late Amarjit Singh, brother of the petitioner-Major Singh, retired as Mathematics Master on 30.04.2006 and was in receipt of pension till his death on 11.05.2007. The Government of Punjab vide notification dated 27.05.2009 and 17.08.2009 revised the pay scales of the employees w.e.f. 01.01.2006 as also the revision of pensionary benefits to the retirees. Accordingly, a sum of Rs. 3,79,000/- (Approx.) became as admissible outstanding dues to late Amarjit Singh. It is a conceded case that Amarjit Singh left behind five surviving Legal Heirs (LRs) i.e. three brothers, namely, Major Singh (petitioner herein), Gurjit Singh, Basant Singh; and two sisters, namely, Jaswant Kaur and Kulwant Kaur.

The grievance of the petitioner is that inspite of other four

LRs having tendered their affidavit regarding staking no claim to the

aforesaid outstanding amount and for release of the said amount in favour of the petitioner (Major Singh), the Department is insisting upon production of a Succession Certificate.

At the time of hearing, learned counsel appearing for the aforesaid LRs, impleaded as party respondent Nos. 6 to 9, has acknowledged the contents of the affidavit and states that the aforesaid outstanding amounts due to their deceased brother (Amarjit Singh) be released in favour of the petitioner.

Learned State Counsel, on instructions, concedes that there is no statutory rule or instructions regarding production of a Succession Certificate in such like circumstances. He further states that the Department has accepted the claim of the petitioner and has sent a bill for the said outstanding amount to the District Treasury, Sardulgarh (Mansa) for clearance in favour of the petitioner.

In view of the aforesaid stand of the counsel for respondents, counsel for the petitioner concedes that nothing more survives for adjudication in the present petition as the same has become infructuous

Petition stands dismissed as infructuous.

The respondents shall be bound by their aforesaid stand taken, failing which they shall make themselves liable to be hauled up in contempt proceedings.

May 12, 2017

'dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No