

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-725-2017 (O&M)

Date of Decision: May 11, 2017

Kishan Singh

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.G.S.Sirphikhi, Advocate
for the appellant.

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SURYA KANT, J.

The appellant is father of deceased Gurmit Singh, who retired as Superintending Engineer but unfortunately passed away after a few days of his retirement. The widow of the deceased approached this Court seeking direction for release of death-cum-retiral benefits like CPF, DCRG, Leave Encashment and GIS etc. The appellant moved an application to become party in the writ petition filed by his daughter-in-law as he also wanted to seek a share out of the retiral benefits. Since the Department granted all those benefits in favour of daughter-in-law of the appellant, she withdrew the writ petition as having become infructuous. Learned Single Judge has dismissed the application moved by the appellant to become intervenor with liberty to him to have his recourse in law. Still aggrieved,

the appellant has filed this appeal. In our considered view, the appellant has to file his own case to make out his claim for his share in the retrial benefits of his deceased son. No such relief could be granted to him as a respondent in the writ petition filed by his daughter-in-law. Nothing precludes the appellant to file his own writ petition and seek benefit in accordance with law, if it is admissible.

With the liberty aforementioned, the appeal is disposed of.

(SURYA KANT)
JUDGE

May 11, 2017
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(SUDIP AHLUWALIA)
JUDGE

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |