

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

CWP No. 23044 of 2012.

Date of Decision: 12.09.2018.

Manpreet Kaur

... Petitioner

Versus

Punjab State Power Corporation Limited and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. M.S. Rana, Advocate for
Mr. K.D.S. Sodhi, Advocate,
for the petitioner.

Mr. Namanyu Gautam, Advocate,
for respondent Nos. 1 to 4.

Mr. Vishwajit Bedi, Advocate,
for respondent No.5.

JITENDRA CHAUHAN.J.

This civil writ petition under Articles 226 and 227 of the Constitution of India has been filed for issuance of a writ in the nature of mandamus directing respondent Nos. 1 to 4 to consider the claim of the petitioner for appointment on compassionate basis as well as for release of death-cum-retiral benefits of Jagdish Singh along with the pension.

It is contended that the father of the petitioner was an Assistant Lineman with respondent No.4. On 14.07.2010 he died in harness. The deceased was survived by his second wife Gurmail Kaur, three minor sons and the present petitioner. It has been further submitted that the petitioner is the only child from the first marriage of the deceased with her mother. The petitioner is unemployed and unmarried daughter. The petitioner is bachelor of arts and was about 22 years of age at the time of death of her father. She being eligible, deserved to be given appointment

however, she has received a letter from the respondents asking her to settle dispute with her step-mother for the pensionary and retiral benefits.

On the other hand, the stand taken by respondent No.5 is that the petitioner has married with one Kuldeep Singh resident of Daun Kalan, District Patiala and she is no more dependent. Respondent No.5 being wife of the deceased has preferential right to get the service benefits of the deceased.

Heard.

The dispute is inter-se between the daughter from first marriage and the second wife of the deceased with regard to his pensionary benefits. As per Punjab Civil Services Rules (Volume-II) the wife of a deceased employee is primarily entitled to claims of her husband. Even otherwise, the matter in issue stands decided in Civil Suit No. 3237/2013 decided on 17.08.2016 by Civil Judge (Junior Division), Fatehgarh Sahib. In *Daryao and others vs. State of U.P and others 1961 AIR SC 1457*, it was held that the rule of res-judicata is rule of universal application and if a matter is decided in a proceeding, the same cannot be challenged in another proceeding.

In view of above, the present civil writ petition is dismissed.

12.09.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No