

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

CWP No.21097 of 2016

Date of Decision: 23.04.2018

Anita and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Munish Kamboj, Advocate for
Mr. P.S. Jammu, Advocate
for the petitioners.

Mr. Ram Tilak Redhu, DAG, Haryana.

Mr. Chander Shekhar, Advocate
for respondent No.5.

Jaspal Singh, J. (Oral)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioners have sought issuance of directions in the nature of prohibition thereby restraining the respondent no.4 from releasing/issuing service benefits to respondent No.5, second wife of late Shri Surjit Singh, Agriculture Development Officer, who had expired on 10.08.2016 and further for the issuance of writ in the nature of mandamus directing the respondents to release all the retiral statutory benefits including GPF, gratuity, leave encashment etc. to the petitioners being real daughters of deceased Surjit Singh aforesaid.

CWP No.21097 of 2016

From the pleadings of the parties as well as perusal of file i.e. the petition as well as written statement preferred by the respondents, it appears to be a serious dispute with regard to encashment of retiral benefits of Surjit Singh (since deceased), while he was in service, it emerges that Surjit Singh (since deceased) not only survived by the petitioners, but respondent No.5-Smt. Kaushalya Devi, second wife as well as two minor daughters namely; Archana and Vandana, born to Kaushalya Devi after second marriage with Surjit Singh (since deceased). Both the minor daughters have not been arrayed/impleaded as party for entitlement of the service benefits of Surjit Singh deceased.

Since there is disputed question of facts, the matter can only be resolved by the Civil Court(s) below after leading evidence by both the parties in this aspect.

Accordingly, in the light of the aforesaid observation, the instant petition is dismissed, whatsoever, with liberty to the petitioners to first approach before the Civil Court for getting their grievances, solved with regard to entitlement of service benefits dues.

[JASPAL SINGH]
JUDGE

April 23, 2018
sachin

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