

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

**Civil Writ Petition No. 23592 of 2014 (O&M)
Date of Decision: 19.07.2018**

Geeta Rani and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioners.

Mrs. Anju Sharma Kaushik, Deputy Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (ORAL)

The three petitioners are the widow and two children of Jagdish Rai @ Jagdish Singh, who was enlisted with the Punjab Police as 'Constable' on 21.10.1971 (**Annexure P-3**) and due to his willful absence from duty since 08.10.1993, he was dismissed vide *Ex Parte* Punishment Order dated 03.08.1994 (**Annexure P-7**).

The petitioners filed a Civil Suit No. 50 of 18.03.2010 for declaration, *inter alia*, that Jagdish Rai be presumed as civilly dead, as he had been missing since 1993. The civil suit was decreed on 21.04.2012 (**Annexure P-9**). Jagdish Rai was declared to be dead since 1993.

Based on the aforesaid said decree, the petitioners filed the present writ petition, seeking release of retrial benefits, as also consideration for compassionate appointment.

Although initially the written statement had been filed contesting the claim, however, an affidavit dated 09.01.2018 of the SSP

Sangrur, was filed in compliance of the order dated 05.09.2017 passed by

this Court, which reads as under:-

*“ Present: Mr. Lakhwinder Singh Sidhu, Advocate
for the petitioners.*

*Ms. Akshita Chauhan, AAG, Punjab
for the respondents-State.*

*Learned State counsel is directed to get
instructions with regard to consideration of representation for
compassionate appointment which was made immediately
after decretal of civil suit and also for grant of retiral benefits
for which the family members are entitled.*

Adjourned to 12.01.2018.

05.09.2017

(DAYA CHAUDHARY)
JUDGE ”

In the aforesaid affidavit dated 09.01.2018, the Department has accepted that Jagdish Lal to be deceased in the light of the decree and thereafter, proceeded to grant the admissible retiral benefits to the petitioners.

At the time of hearing, counsel for the petitioners concedes that nothing more survives for adjudication in the present writ petition, as the same has become infructuous.

Dismissed as infructuous.

July 19, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>