

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

CWP-2751-2016 (O&M)

Date of Decision:02.05.2018

Ramesh Kumari

... Petitioner

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Balram Singh, Advocate
for the petitioner.

Mr. Amit Arora, Advocate
for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant writ petition, petitioner has sought for the following relief:

“Issuance of appropriate writ or direction especially writ in the nature of mandamus directing the respondents to pay all the service benefits including family pensions leave in casement, etc. alongwith interest 12% per annum to the petitioner for her late husband Constable No.31454298 CT/GD Rakesh Kumar 141 Battalion CRPF as well as compassionate appointment.”

2. There was a dispute relating to nomination by the late Shri Rakesh Kumar-constable. Initially nominee were parents of late Shri Rakesh Kumar. Thereafter, petitioner's name was replaced. In the year 2010, late Shri Rakesh Kumar requested the respondent-department for change of nominee from the petitioner to his parents on account of divorce between the petitioner and late Shri Rakesh Kumar. Consequently, respondents

proceeded to change the nomination in the name of parents of late Shri Rakesh Kumar. Rakesh Kumar died on 8.7.2015. Petitioner submitted application for extending monetary benefits and other benefits on account of the death of late Shri Rakesh Kumar. Her application was processed in the respondents' office and found that petitioner was not the nominee. Consequently, petitioner and parents of the deceased entered into some settlement on 24.2.2016. Pursuant to the settlement, respondents have proceeded to settle the dues of the deceased employee to the petitioner starting from payment of family pension and medical allowance on 17.5.2016. Whereas DCRG, GPF Final Payment, Leave Encashment, GIS, Risk Fund Final Payment, DLIS were settled beyond three months from the date of settlement among the petitioner and deceased parents. Therefore, there is a delay on the part of the respondents in not settling DCRG and other benefits which have been settled on different dates from 1.12.2016 to 5.2.2018 as stated in their written statement. Petitioner is entitled to interest on item Nos.3 to 8 stated in their written statement like DCRG, GPF Final Payment, Leave Encashment, GIS, Risk Fund Final Payment, DLIS on belated settlement from the period from 23.5.2016 till payment were made on different items. Petitioner is entitled to interest from 22.08.2016 till payments were made for the reasons that respondents were required to process the papers in the name of the petitioner pursuant to the settlement between the petitioner and the parents of deceased employee on 24.02.2016. Respondents are hereby directed to pay interest @ 9% per annum within a period of four months from the receipt of this order. Insofar as grievance relating to compassionate appointment is concerned, competent authority is hereby directed to take a decision within a period of three months from

today and communicate the decision to the petition stating whether petitioner is entitled or not?

3. Petition allowed in part.

02.05.2018
rajeev

(P.B. Bajanthri)
Judge

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