

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

(207)

CWP-7847-2015

Date of Decision: November 29, 2018

Jyoti Rani

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Rattan, Advocate, for the petitioner.

Mr. Sandeep Vermani, Addl. A.G., Punjab.

Mr. Sunil Agnihotri, Advocate, for respondent No.4.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present case, the petitioner who is the widow of Sh. Manoj Kumar, is seeking the family pension and other benefits, accruing to the legal heirs after the death of Sh. Manoj Kumar, who died on 01.09.2014.

Learned counsel for the petitioner states that the petitioner is the only legal heir and there is no child born out of the wedlock.

Learned counsel for the respondents states that even mother being the nominee has raised the claim for the benefits which were to be paid after the death of Sh. Manoj Kumar. Counsel for the respondents further states that without the succession certificate, the decision with regard to the payment of the benefits cannot be taken.

In view of the peculiar facts of this case that the petitioner is the widow of Sh. Manoj Kumar and there are no children born out of the wedlock and the other claimant is only the mother. No succession certificate is required for. There should not be any problem with the department to decide about the payments to be made in view of the

provisions of rules governing the service.

Learned counsel for the petitioner states that the mother is not entitled for any benefit as she is already getting pension on account of the death of her late husband from the same department. In support of this, learned counsel for the petitioner also relies upon the judgment of this Court in **Lachhmi Devi Vs. General Public (2001) 3 S.C.T. 374** to state that the mother cannot be granted the benefit.

Learned counsel for the petitioner further states that the nominee cannot be treated as legal heir unless and until the said nominee is otherwise covered under the definition of the legal heirs as per the provisions for the grant of benefit.

Keeping in view the facts above, a direction is issued to the respondents to decide the release of the dues which the legal heirs are entitled for after the death of Sh. Manoj Kumar. The Department will decide about the beneficiary, keeping in rules regulating the service for the grant of said benefit. The respondents shall also take into consideration the judgment cited by the petitioner while deciding the claim. Let the said decision be taken within a period of two months from the receipt of copy of this order. After the order is passed, the benefit to the beneficiary shall also be released immediately thereafter within a period of one month.

November 29, 2018
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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