

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

(207)

CWP-8508-2015

Date of Decision: December 07, 2018

Krish Goyal

..Petitioner

Versus

State Bank of India and another

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shekhar Verma, Advocate, for the petitioner.

Mr. I.P.S Doabia, Advocate, for the respondents.

HARSIMRAN SINGH SETHI, J.(ORAL)

In the present case, the minor son of Poonam Rani, who was working in the respondent-Bank, has filed the present writ petition through the legal guardian claiming the benefits, after the death of his mother.

As per the averments made in the present writ petition, the mother of the petitioner was working with the respondent-Bank since 2008 and was a permanent employee of the Bank. Smt. Poonam Rani (mother of the petitioner) unfortunately died on 26.01.2010 leaving behind the petitioner and her husband namely Pardeep Kumar. On 27.01.2010, an FIR No. 16 was registered against the father of the petitioner namely Pardeep Goyal, paternal uncle, grandmother and grandfather with the allegations that the persons mentioned above killed Poonam Rani on 26.01.2010. All the above persons stands convicted by the competent Court of law on 30.03.2012 and have been sentenced to undergo ten years of imprisonment.

After Sh. Pardeep Goyal was granted bail, he applied for the ex gratia benefits and the insurance claim on behalf of Poonam Rani from the Bank. The said application was also on behalf of the petitioner i.e. the minor son of Poonam. As the amount was not being paid by the respondent-Bank, the petitioner filed CWP No.12542 of 2014, which was disposed of by this

Court on 03.07.2014 by passing appropriate directions to the respondent-Bank to decide the claim of the petitioner in respect of the release of ex gratia amount and the insurance claim. In pursuant to the order passed by this Court on 03.07.2014, the respondent-Bank has passed an order on 27.01.2015 declining the claim. The said order dated 27.01.2015 is under challenge in the present writ petition.

The ground which was given by the respondents to deny the claim was that Pardeep Goyal had filed the application only in his individual capacity and not on behalf of the minor son i.e. the petitioner and there was no authorization given by the minor son to Sh. Pardeep Goyal to receive the amount on his behalf as well. In the said order, the petitioner was given liberty to apply for the release of ex gratia as a dependent of the deceased Poonam Rani alongwith no objection certificate from the other dependents for making such payment to Sh. Krish Goyal (petitioner herein).

Notice of motion was issued on 07.05.2015. The respondents have filed the reply. In the reply, it has been mentioned that no application has been received on behalf of the petitioner for the release of the ex gratia amount and the only application received was from Sh. Pardeep Goyal claiming to be dependent of Smt. Poonam Rani and keeping in view the above facts, as Sh. Pardeep Goyal has already been convicted for the murder of Smt. Poonam Rani, in respect of FIR No.16 dated 27.01.2010, the ex gratia amount cannot be released in his favour.

Today, learned counsel for the petitioner has placed on record an affidavit of Sh. Pardeep Goyal dated 07.12.2018. A copy of the affidavit has also been supplied to counsel for the respondents. Sh. Pardeep Goyal, in his affidavit, has stated that he has no objection if all the amount of ex gratia and insurance in respect of deceased Poonam Rani, is paid to the petitioner alone.

Learned counsel for the respondent-Bank has very fairly stated that in view of the said affidavit, now there will be no hindrance in release of the amount in favour of the petitioner alone.

Keeping in view of this, learned counsel for the respondent-Bank states that Bank be given two months time to process the case for the release of the payment.

In view of the above, let the statement given by counsel for the respondent-Bank be complied with. The amount of ex gratia and insurance be calculated by the respondent-Bank and be released in favour of the petitioner. The respondent-Bank is directed that the amount so calculated shall be put in FDR in the same Bank and the information about deposit of the said amount in the FDR shall be supplied to the petitioner. If any information is required by the Bank in respect of deposit of the amount, the same be informed to the guardian of the petitioner.

Learned counsel for the petitioner states that address of the minor and also the name of the guardian is needed for the deposit of the money.

Let this information be supplied by the guardian of the petitioner with the Bank within a period of 15 days from today.

Learned counsel for the parties state that no further orders are required to be passed in the present writ petition.

The writ petition is disposed of as such.

(HARSIMRAN SINGH SETHI)
JUDGE

December 07, 2018
harsha

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