

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-889-2015 (O&M)

Date of decision: - 21.11.2018

Anuradha

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Ms. Anju Arora, Additional Advocate General, Punjab.

Mr. Nippun Sharma, Advocate
for Mr. APS Sandhu, Advocate
for respondents No.2 to 4.

None for respondents No.5 and 6.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the petitioner has approached this Court for the release of the pensionary benefits, which accrued to her deceased husband, namely, Sh. Ravinder Kumar. As per the facts pleaded, the petitioner got married with Ravinder Kumar on 20.10.1985. Out of the wedlock, there are two sons, namely, Munish and Bharat, who are aged about 32 and 33 as of now.

Counsel for respondents No.2 to 4 states that the death-cum-retiral benefits of Sh. Ravinder Kumar have been withheld on the ground

that one Rajni has filed a civil suit claiming to be the wife of Sh. Ravinder Kumar and has filed the civil suit for claiming the pensionary benefits after the death of Sh. Ravinder Kumar, who expired on 02.07.2009 and therefore, as the matter is sub-judice, the pensionary benefits have not been released to either Rajni or Anuradha (present petitioner) and the department is waiting for the judgment of the competent Court of law in this regard.

Counsel for the petitioner rebut the submissions made on behalf of the counsel for respondents No.2 to 4 that the civil suit which was filed by Smt. Rajni in the year 2009, was dismissed in default on 06.06.2011 and a copy of the order has been attached as Annexure P-3 and again a civil suit was filed by Rajni for the same relief, in January 2013, which was also dismissed in default on 22.01.2014 and at present, there is no suit which is pending, filed by Rajni claiming the pensionary benefits claiming to be wife of the Sh. Ravinder Kumar.

Counsel for the respondent No.2 to 4 has not been able to place anything on record to rebut the statement that the suit filed by Smt. Rajni has already been dismissed in default.

Counsel for the respondents No.2 to 4 states that the Corporation is ready to release the benefits to the petitioner in case, a collateral security is deposited for the said amount so that in case at a later stage, any order is passed by the competent Court of law in favour of Smt. Rajni, who is also claiming to be the wife of Sh. Ravinder Kumar, then the Corporation is not burdened to pay Smt. Rajni as well.

Counsel for the petitioner agrees to it and states that adequate

security bond will be provided to the Corporation for the amount, which the Corporation is to release to the petitioner on account of death-cum-retiral benefits on account of the service rendered by Sh. Ravinder Kumar.

Counsel for the petitioner undertakes to give indemnity bond for the amount, which will be calculated by the Corporation to be released in favour of the petitioner.

Before disbursing the amount to the petitioner and other legal heirs, if any claim is made on behalf of respondent No.6, who claims to be minor son of Sh. Ravinder Kumar, within a period of one month, the respondent(s)/Corporation will decide his claim on the basis of the record so produced and pass appropriate orders in this regard within a period of one month of receipt of such claim.

Present writ petition stands disposed of in the above terms.

November 21, 2018
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No