

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

1. RSA-3621-2016

Lakshmi Devi (now deceased) through her LRS and another ... Appellants

Vs.

Smt. Sunita Devi and others

... Respondents

2. RSA-5897-2015

Smt. Sunita Devi

... Appellant

Vs.

Lakshmi Devi and others

... Respondents

Date of Decision: 18.01.2018

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

Present : Mr. Amit Kaith, Advocate.

Mr. Rajesh Bansal, Advocate.

P.B. BAJANTHRI J. (Oral)

By this common order, both the aforementioned appeals shall be decided together being arising out of the same judgment.

Appellants and one Smt. Sunita Devi were claiming retirement benefits of the deceased Late Shri Ashok Kumar. Suit was dismissed. However, appeal was partly allowed. Hence, the present appeals.

Undisputed facts are that late Shri Ashok Kumar nominated Smt. Sunita Devi as his nominee in the service record. Therefore, subject of nomination is under the statutory provision. Therefore, deceased Lakshmi Devi and Poonam Rani (adopted daughter) are not entitled to any monetary benefits which were due to late Shri Ashok Kumar. Thus, appellate court has erred in extending monetary benefit to Smt. Lakshmi Devi (now deceased) and Poonam Rani (adopted daughter). As long as nomination stands in the name of Smt. Sunita Devi, whatever the dues of the deceased late Shri Ashok Kumar shall go to Smt. Sunita Devi. Thus, the appellate

court has erred in extending monetary benefit to deceased Lakshmi Devi and Poonam Rani (adopted daughter) which is wholly incorrect. Therefore, order of the appellate court is set aside. Consequently, RSA No.5897 of 2015 stands allowed to the extent that official respondents are hereby directed to disburse all dues which are due to late Shri Ashok Kumar as on today within a period of three months from today alongwith interest @ 6% per annum in favour of nominee Smt. Sunita Rani. RSA No.3621 of 2016 stands dismissed.

At this juncture, it is submitted that certain benefits have already been extended to deceased Smt. Lakshmi Devi and Poonam Rani. If it is so monetary benefits, the same shall not be recovered either by the official respondents or by Smt. Sunita Devi.

18.01.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**