

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

RSA No.4171 of 2015 (O&M)

Date of Decision:11.01.2018

Bikram Singh and others

... Petitioners

Vs.

Phoolma Devi and others

... Respondents

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

Present : Mr. Vikram Bali, Advocate for the appellants.

Mr. H.S. Jugait, Advocate for respondents No.1 and 3.

Mr. S.S. Panag, Advocate for respondents no.5 to 7.

P.B. BAJANTHRI J. (Oral)

Question of law in the present appeal is whether retiral dues of the deceased employee are required to be disbursed in the name of Smt. Phoolma Devi or Smt. Shaini Devi.

Perusal of the nomination of the deceased employee in the service record, it is evident that name of Smt. Shaini Devi is mentioned as a nominee. Therefore, Smt. Phoolma Devi has not made out a case so as to claim any retiral benefits of the deceased employee. Unless and until her name is reflected in the service record particularly in the portion of nomination, she has no statutory right to claim any retiral benefits of the deceased employee. The appellate court has erred in extending benefit to Smt. Phoolma Devi. Nomination by an employee in the Punjab State Electricity Board is under statutory regulation. Therefore, nominee of the deceased employee and employer are bound by nomination. Rightly or wrongly appellant-Smt. Shaini Devi has been nominated by the deceased employee. Therefore, it has binding effect on both employer and nominee (appellant-Smt. Shaini Devi).

Accordingly, order passed by the Appellate Court dated

28.11.2013 is set aside. The Punjab State Electricity Board is hereby directed to disburse all retiral benefits along with interest @ 8% p.a. to the legally wedded wife/Smt. Shaini Devi as per the nomination made in the service record by the deceased employee way back on 2.4.2013. The above exercise shall be completed by the Punjab State Electricity Board within a period of six months from today.

With the above observation, petition stands disposed of.

11.01.2018

rajeev

(P.B. Bajanthri)

Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No